COURT OF WARDS.

1799. Ben. Reg. 5, s. 8 (Administration).
[1]1804. Mad. Reg. 5 (Court of Wards, Madras).
1831. Mad. Reg. 10, s. 2 (Court of Wards, Madras).
1858. Act 34, s. 24 (Lunacy).
„ Act 35, s. 9 (Lunacy).
1872. Reg. 3, s. 3 (Laws, Santhál Parganas).
1874. Act 15, s. 4 (Laws Local Extent).
1879. [2]Ben. Act 9 (Court of Wards, Assam and Bengal).
1885. Act 8, ss. 95, 97 (Bengal Tenancy).
1888. Reg. 1 (Government Wards, Ajmere).
1899. Act 24 (Court of Wards, Central Provinces).
„ U. P. Act 3 (Court of Wards, United Provinces).
1901. U. P. Act 3, ss. 153, 160 (Land-revenue, United Provinces).
1902. Mad. Act 1 (Court of Wards, Madras).
1903. U. P. Act 1, s. 6 (Incumbered Estates, Bundelkhand).
„ Punj. Act 2 (Court of Wards, Punjab).
1904. Reg. 5 (Court of Wards, N.-W. Fr.).
1905. Bom. Act 1 (Court of Wards, Bombay).

GENERALLY
A.—AJMERE
B.—BENGAL (EXCEPT SAMBALPUR DISTRICT) EASTERN BENGAL AND ASSAM)
C.—BOMBAY PRESIDENCY
D.—CENTRAL PROVINCES AND SAMBALPUR DISTRICT
E.—MADRAS PRESIDENCY
F.—UNITED PROVINCES.
G.—NORTH-WEST FRONTIER PROVINCE AND PUNJAB

1. Preliminary.
2. Management and Guardianship.
3. Miscellaneous.

GENERALLY.

Assumption by Court of management of lunatic's estate . . Act 34, 1858, s. 24. Act 35, 1858, s. 9.
Payment of income-tax by Court. *See* INCOME-TAX, 3.

A.—AJMERE.

1. Preliminary.

Definitions . . . . . Reg. 1, 1888, s. 3.

2. Management and Guardianship.

Commissioner to be Court of Wards . . . . . „ s. 4.
All landholders to be under jurisdiction of Court . . . „ s. 5.
Disqualified landholders:
Who are . . . . . „ s. 7.
Power of Court to assume superintendence of property or person of . . . . . „ ss. 6, 8, 9.
Withdrawal from superintendence of person or property of . „ s. 24.
Appointment, suspension and removal of, and delegation of Court's functions to, manager . . . . . „ s. 10.
Liabilities, etc., of managers and other servants of Court . „ s. 11.
Appointment, etc., of guardians . . . . . „ s. 12.
General powers of Court . . . . . „ ss. 13, 17.
Custody, education and residence of wards . . . . „ s. 14.
Allowance for support of ward and his family . . . . „ s. 15.

[1] Rep. except in scheduled districts by Mad. Act 1, 1902. It has not been indexed.
[2] Ben. Act 9, 1879, as amended by subsequent Acts, has been extended, by notification under the Scheduled Districts Act, 1874, to the districts of Cachar, Darrang, Goalpara, Kamrup, Lakhimpur, Nowgong, Sibsagar and Sylhet in Assam.

COURT OF WARDS—*contd.*

A.—AJMERE—*contd.*

2. Management and Guardianship—*contd.*

General duties of Court or manager . . . . . Reg.1,1888,s.16.
Disabilities of ward . . . . . ,, s.22.
Powers of Court when succession to ward's property is disputed . ,, s.23.

3. Miscellaneous.

Procedure in suit by or against ward . . . . . ,, ss.18to21.
Appeals . . . . . ,, s.25.
Control by Local Government . . . . . ,, s.26.
Bar to jurisdiction of Civil Courts in certain cases . . . ,, ss.9,27.
Power of Local Government to make rules . . . . ,, s.28.

B.—BENGAL (EXCEPT SAMBALPUR DISTRICT), EASTERN BENGAL AND ASSAM.

1. Preliminary.

[1]Ben. Act 9, 1879, extends to whole of Bengal and Eastern Bengal, including the Scheduled Districts . } Ben.Act9,1879,s.1.
,, ,, ,, and Ben. Act 3, 1881, declared in force in the Santhál Parganas . . . . . } Reg.3,1872,s.3,Sch.
,, ,, ,, not to affect—
Act 34, 1858 (Lunacy) . . . . } Ben.Act9,1879,s.4.
High Court's jurisdiction over infants . }
Definitions . . . . . ,, s.3.

2. Management and Guardianship.

Board of Revenue to be Court of Wards . . . . . Ben.Act9,1879,s.5.
Disqualified proprietors :
Who are . . . . . ,, s.6.
Powers of Court as to taking charge of person and property of, and of minor members of their families . . . . } ,, ss.7,9,10(s.9 rep.inpt.,Ben.Act1, 1906,s.2,E.B.&A.Act3, 1907,s.2).
Power of Court to take charge of person or property of proprietor or minor on application of Civil Court . . . } ,, s.10.
Declaration by Court on taking charge of person or property . ,, s.35.
Procedure when Court takes charge of person or property—
Notice to creditors, and inquiry into liabilities; publication of notice . . . . . } ,, s.10A,64A (ins.Ben.Act1,1906, ss.3,10,E.B.&A.Act 3,1907,ss.3,12).
Creditors to furnish full particulars and documents . . } ,, s.10B(ins. Ben.Act1,1906,s.3, E.B.&A.Act3,1907, s.3).
Stay of proceedings of Civil Courts . . . . . } ,, s.10C(ins. Ben.Act1,1906,s.3, E.B.&A.Act3,1907, s.3).
Adjudication of claims . . . . . } ,, 10D(ins. Ben.Act1,1906,s.3, E.B.&A.Act3,1907, s.3).

[1] See footnote [2] on p. 150.

COURT OF WARDS—*contd.*

B.—BENGAL (EXCEPT SAMBALPUR DISTRICT), EASTERN BENGAL AND ASSAM—*contd.*

2. Management and Guardianship—*contd.*

Disqualified proprietors—*contd.*

Power of Court to retain charge of person or property of still disqualified proprietors when joint proprietors cease to be subject to its jurisdiction	Ben.Act9,1879,s.11.
Power of Court to retain charge of property until discharge of debts	,, s.13A(ins. Ben.Act1,1906,s.4, E.B.&A.Act3,1907, s.5).
Power of Court to withdraw from charge of person and property	Ben.Act9,1879,ss.9,12(s.9 rep.inpt.,Ben.Act1, 1906,s. 2,E.B.&A.Act 3,1907,s.2).
Effect of withdrawal from charge	Ben.Act9,1879,s.9A(ad. E.B.&A.Act3,1907, s.2).
Court when bound to release person and property from its charge	Ben.Act9,1879,s.8.
Power to relinquish inextricably involved estates	,, s.10E(ins. Ben.Act1,1906,s.3).
Declaration of cessation of Court's jurisdiction	Ben.Act9,1879,s.65.
Recovery of expenses after release of property	,, s.65A.
Collector to take charge of person and property on proprietor being declared disqualified	,, ss.36,37.
Powers of Court when succession to property of ward is disputed	,, s.13.
Court's general powers of management	,, ss.14,18,19.
Delegation of Court's powers	,, s.15.
Power of Court to employ establishments and incur expenses	,, s.16.
,, ,, to appoint, etc., managers and guardians	,, s.20.
Custody, education and maintenance of minors	,, s.21.
Allowance for support of ward and his family	,, s.22.
Protection of estates of wards and minors from sale for arrears	,, ss.23to26.
Disabilities of wards	,, ss.60,60B,61. ,, (s.60Bins., Ben.Act1,1906,s.8, E.B.&A.Act3,1907, s.10).
Collector when to act as manager	Ben.Act9,1879,s.38.
Restrictions on choice of guardian	,, ss.44,45.
General powers of manager	,, s.39.
,, duties ,, ,,	,, ss.40,41.
Remuneration ,, ,,	,, s. 41 (*h*).
Recovery by manager of sums recoverable as rent	,, s.63.
Application of moneys received by manager	,, ss.48to50 (s.50am. Ben.Act2, 1909).
General duties of guardian	Ben.Act9,1879,ss.42,43.
Remuneration ,, ,,	,, s.43(*f*).
Delivery to Court of accounts and property in hands of manager or guardian	,, s.47.

COURT OF WARDS—*contd.*

B.—BENGAL (EXCEPT SAMBALPUR DISTRICT), EASTERN BENGAL AND ASSAM—*concld.*

3. Miscellaneous.

Duty of Collector to report to Court as to what proprietors should be taken under its charge, and to take temporary charge of their property, etc.	Ben. Act 9, 1879, ss. 27, 29, 30.
Power of Court or Local Government to put Act into operation without report from Collector	,, s. 28.
Application to Civil Court where Collector reports disqualified proprietor to be a lunatic or to be suffering from physical defect or infirmity; recovery of expenses incurred by Collector	,, ss. 31 to 34A (s. 34A ins., Ben. Act 1, 1906, E.B.&A. Act 3, 1907, s. 7).
Exemption of ward's property from execution proceedings in certain cases	Ben. Act 9, 1879, ss. 60A, 60B (s. 60B ins. Ben. Act 1, 1906, s. 8, E.B.&A. Act 3, 1907, s. 10).
Procedure in suits by or against wards	Ben. Act 9, 1879, ss. 51 to 56, 60B (s. 56 rep. in pt., Ben. Act 1, 1906, s. 6, E.B. &A. Act 3, 1907, s. 8; s. 60B ins., Ben. Act 1, 1906, s. 8, E.B.&A. Act 3, 1907, s. 10).
Offences and penalties	Ben. Act 9, 1879, ss. 57 to 59, 64.
Recovery of sums due to Court	,, ss. 46, 65A.
Judicial powers of Collector in making inquiries	,, s. 66.
Appeals from orders of Collector or Commissioner	,, s. 67.
Control of Court over orders of Collector or Commissioner	,, ss. 67, 68.
Persons employed by Court to be "public servants"	,, s. 59A (ins., Ben. Act 1, 1906, s. 7, E.B.&A. Act 3, 1907, s. 9).
Power of Court to make rules	Ben. Act 9, 1879, s. 70.
Control of Local Government over Court	,, s. 69.
Court may be appointed manager under Bengal Tenancy Act; application of Ben. Act 9, 1879	(Ben. E.B.) Act 8, 1885, ss. 95, 97.
Ben. Reg. 5, 1799 (Administration of estates of Hindus, etc.), not to affect jurisdiction of Court	Ben. Reg. 5, 1799, s. 8.

C.—BOMBAY PRESIDENCY.

1. Preliminary.

Bom. Act 1, 1905, extends to whole of Bombay Presidency except City of Bombay and Aden	Bom. Act 1, 1905, s 1.
Definitions	,, s. 2.

2. Management and Guardianship.

Commissioner, or special officer appointed by Local Government, to be Court of Wards for the division: power to constitute Board and to appoint special Court for particular area	,, s. 3.
Disqualified landholders: Who are	,, s. 5.
Power of Court as to assuming superintendence of property of disqualified landholders and of person of minor, lunatic, etc.; exception as to married females	,, ss. 4, 11.

COURT OF WARDS—*contd.*

C.—BOMBAY PRESIDENCY—*contd.*

2. Management and Guardianship—*contd.*

Court not to assume superintendence of property or person without consent of District Court where guardian has been appointed or declared by competent authority; exception where Government officer is appointed or declared guardian under s. 7 (1) of Act 8, 1890	BomActI,1905,ss.7,6.
Where property belongs to undivided Hindu family, unless all co-sharers disqualified	,, s.8(am.Bom. ActI,1910,s.2).
Power of Local Government to order Court to assume superintendence of property on application of landholder: provision in case of joint landholders; power to make order on application of cosharer in respect of his share	,, s.9(am.Bom. ActI,1910,s.2).
Power of District Court on application of Collector to authorise Court to take steps for temporary custody and protection of property and of minor: action to be reported to Local Government	Bom.ActI,1905,s.10.
Where property within jurisdiction of several Courts, Local Government to determine which Court to assume superintendence	,, s.12.
Assumption of superintendence to be notified and to extend to all property of ward; exception	,, s.13.
Claims against ward or his property: Notice calling for submission of	,, s.14.
Particulars of, to be furnished by claimants; inadmissibility in evidence of documents not produced	,, s.15.
Effect of failure to notify claim; claim deemed to have been duly discharged; exception of claims of Government	,, s.14(3).
Investigation and decision of claims and report to Local Government by Court of Wards; saving of right of suit	,, ss.16,18(*1*).
Power of Court of Wards to appoint, etc., manager; remuneration and duties, etc. of manager	,, ss.20,21,26.
,, ,, ,, to appoint guardian: application of provisions of Guardian and Wards Act, 1890	,, s.22.
,, ,, ,, as to property under its superintendence; power to summarily evict person in wrongful occupation of property of ward	,, ss.23,26to28.
Arrears of rent due to ward recoverable as arrears of land-revenue	,, s.29.
Custody, residence and education of ward	,, s.24.
Allowance for support of ward and his family	,, s.25.
Disabilities of wards and of certain persons who have been wards	,,ss.37,38,42(2), proviso.
Power of Court of Wards when succession to ward's property is disputed	,, s.39.
Withdrawal of superintendence, if estate inextricably involved, etc.; effect of	,, s.18.
,, ,, ,, on cessation of disqualification, etc., power to retain superintendence in certain cases; appointment of guardian of minor before withdrawal	,, ss.40(am. Bom.ActI,1910,s.2),41.
,, ,, to be notified	Bom.ActI,1905,s.42.

COURT OF WARDS—*contd.*

C.—BOMBAY PRESIDENCY—*concld.*

3. Miscellaneous.—*concld.*

Stay of execution of decree against ward in certain cases: limitation	Bom. Act I, 1905,	s.17.
Suit for recovery of claim against ward not barred by decision of Court: decision not to be evidence in suit	„	s.16(3).
Limitation: exclusion of certain periods in computing period of	„	ss.17(3),18(3).
Managers and other servants of Court to be deemed public servants	„	s.21(2).
Recovery of arrears of land-revenue during period of superintendence; protection of immoveable property from sale	„	s.30.
Notice required in case of certain suits against Government wards	„	s.31.
Procedure in suit by or against Government ward: suit or appeal not to be instituted on behalf of ward unless authorised in writing by Court	„	ss.32-35.
Power of Court of Wards to state case for opinion of Civil Court for adjudication of civil disputes between two or more Government wards	„	s.36.
Power of Court of Wards to delegate its powers	„	s.19.
Appeals from orders under Act	„	s.43.
Control by Local Government	„	s.44.
Power of Local Government to make rules	„	s.46.
Bar of suits	„	s.45.

D.—CENTRAL PROVINCES AND SAMBALPUR DISTRICT.

1. Preliminary.

Definitions	Act 24, 1899,	s.2.

2. Management and Guardianship.

Commissioner to be Court of Wards	„	s.3.
Disqualified landholders:		
Who are	„	s.5.
Power of Court to assume superintendence of property or person of	„	ss.4,6,8.
Powers of Court of Wards as to temporary custody and protection of minor and his property in certain cases	„	s.7.
Order by Local Government as to which Commissioner should assume superintendence of person and property, where landholder owns land in two or more Divisions	„	s.9.
Assumption of superintendence to be notified, and to extend to whole of ward's property; exception	„	s.10.
Claims against ward or his property:		
notice calling for submission of; bar to claims not submitted	„	s.12.
particulars of, to be furnished by claimants; exclusion of documents not duly submitted	„	s.13.
adjudication of	„	s.15.
Power of Local Government to direct relinquishment of superintendence by Court of Wards	„	s.16.

COURT OF WARDS—*contd.*

D.—CENTRAL PROVINCES AND SAMBALPUR DISTRICT—*contd.*

2. Management and Guardianship—*contd.*

Power of Court of Wards—	
to appoint managers	Act24,1899,s.17.
to delegate its powers	,, s.18.
to appoint guardians	,, s.20.
Liabilities, etc., of managers and other servants of Court	,, s.19.
General powers of Court of Wards	,, ss.21,25.
Custody, education and residence of wards	,, s.22.
Allowance for support of ward and his family	,, s.23.
General duties of Court of Wards or manager	,, s.24.
Disabilities of ward	,, ss.31,32.
Powers of Court of Wards when succession to ward's property is disputed	,, s.33.
Withdrawal of superintendence of Court of Wards and appointment of guardian	,, ss.34to36.

3. Miscellaneous.

Procedure in suits by or against wards	Act24,1899,ss.26,27,29,30.
Payment of costs in suit by or against ward	,, s.28.
Appeals	,, s.37.
Control by Local Government	,, s.38.
Bar to jurisdiction of Civil Courts	,, ss.5(2),6(2).11.39.
Stay of proceedings in Civil Courts	,, s.14.
Power of Local Government to make rules	,, s.40.

E.—MADRAS PRESIDENCY.

1. Preliminary.

Mad. Reg. 10, 1831, declared in force throughout the Presidency of Madras, except as regards the Scheduled Districts	Act15,1874,s.4.
Mad. Act 1, 1902, extends to Presidency of Madras except Scheduled Districts	Mad.Act1,1902,s.1.
Definitions	,, s.4.

2. Management and Guardianship.

Board of Revenue to be Court of Wards	,, s.5.
Disqualified proprietors:	
Who are	,, s.9.
Power of Collector as to temporary custody and protection of property and of the person of minor heirs in certain cases	,, ss.10,11.
Procedure before declaration of disqualification by Local Government; bar to civil suit to question declaration	,, ss.12to16,48.
Assumption by Court of Wards of superintendence of person or property of disqualified proprietor: provision for case of joint Hindu family	,, ss.16to18,48. Mad.Reg,10,1831,s.2(2).
Procedure where disqualified proprietor is a cosharer in joint property	Mad.Act1,1902,s.17(2).

COURT OF WARDS—*contd.*

E.—MADRAS PRESIDENCY—*contd.*

2. Management and Guardianship—*contd.*

Assumption of superintendence to be notified and to extend to whole of ward's property; exception; Collector to take charge of property; power of Collector to search for and require production of property, books, papers, etc.	Mad. Act I, 1902,	ss. 19, 20, 21.
Power of Court of Wards as to property under its superintendence	,,	s. 35.
Allowance for support of ward and his family	,,	s. 22.
Custody, education, residence and marriage of ward	,,	s. 23.
Disabilities of ward	,,	s. 34.
Appointment of managers and guardians	,,	ss. 24 to 26.
Powers, duties and allowances of managers and guardians	,,	ss. 27 to 29.
Application of money received by manager	,,	ss. 32, 33.
Claims against ward or his property:		
notice calling for submission of; exception of claims of Government and others	,,	ss. 37, 39.
particulars of, to be furnished by claimants; inadmissibility in evidence of documents not produced; exception of claims of Government and others		ss. 38, 39, 42, 55(3).
effect of failure to notify claim: cessation of interest: notified claims to have priority	,,	ss. 41, 55(3).
admission or disallowance of; saving of right of suit	,,	s. 40.
Power of Court of Wards to dispossess mortgagee in possession of ward's property: rights of dispossessed mortgagee	,,	ss. 43, 55(2).
Power to require additional consideration for or determine lease granted by ward for insufficient consideration; rights of lessee	,,	s. 44.
Execution of decree against ward to be transferred to Collector in certain cases; procedure; Collector executing decree to cease to discharge functions under Act	,,	ss. 45 to 47.
Penalty for abetting marriage of minor ward without consent of Court of Wards	,,	s. 67.
Release from superintendence of person and property: power to appoint guardian when proprietor is still minor: effect of release	,,	ss. 54 to 56, 59.
Power to retain superintendence notwithstanding death or cessation of disqualification of proprietor; certain disabilities of proprietor to continue	,,	ss. 57, 58.
Powers of Court of Wards when succession to ward's property is disputed	,,	s. 61.
Release of person or property from superintendence to be notified	,,	s. 62.
Expenses incurred by Court of Wards recoverable after release as arrears of land-revenue	,,	s. 60.

3. Miscellaneous.

Control by Local Government	Mad. Act I, 1902,	s. 6.
Exercise of powers of Court of Wards through Collector; delegation of powers of Collector	,,	s. 8.
Distribution of business of Court of Wards; Secretary to sign for Court of Wards	,,	s. 7.

COURT OF WARDS—*contd.*

E.—MADRAS PRESIDENCY—*contd.*

3. Miscellaneous—*contd.*

Power of Court of Wards to make rules	Mad. Act 1, 1902,	s.66.
,, ,, ,, in regard to religious endowments of which ward is hereditary trustee or manager	,,	s.63.
Property in charge of Court of Wards not liable to sale for arrears of land-revenue	,,	s.65.
Managers, guardians, etc., to be deemed public servants; application of provisions of Act 12, 1850, and Mad. Reg. 9, 1822	,,	ss.30,31.
Procedure in suits by or against wards	,,	ss.49to52.
Saving of jurisdiction of High Court	,,	s.3.
Power of Court of Wards to state case for opinion of Civil Court in civil disputes between two or more wards	,,	s.53.
Powers of persons holding inquiry under Act	,,	s.64.
Power of Court of Wards to maintain establishment and to distribute expenses among properties under its superintendence	,,	s.36.

F.—UNITED PROVINCES.

1. Preliminary.

U. P. Act 3, 1899, extends in the first instance to the whole of the United Provinces except the Family Domains of the Maharaja of Benares; power to extend Act	U.P. Act 3, 1899,	s.1, Sch.1.
Definitions	,,	s.3.

2. Management and Guardianship.

Board of Revenue to be Court of Wards	,,	s.4.
Disqualified proprietors:		
Who are	,,	s.8.
Assumption by Court of Wards of superintendence of person or property	,,	ss.9to12.
Power of Collector as to temporary custody of property and of the person of minor heirs in certain cases	,,	s.13.
Assumption of superintendence to be notified and to extend to whole of ward's property	,,	ss.14,15.
Collector to take possession of and manage property	,,	s.15(2).
Claims against ward or his property:		
notice calling for submission of	,,	s.16.
particulars of, to be furnished by claimants; inadmissibility in evidence of documents not produced	,,	ss.16,20.
effect of failure to notify claim; cessation of interest; notified claims to have priority; exception of claims of Government and others	,,	s.18.
admission or rejection of; saving of right of suit	,,	ss.17,18,21.
Stay of proceedings in execution of decrees against ward in Civil Court	,,	s.19.
Allowance for support of ward and his family	,,	s.22.

COURT OF WARDS—*contd.*

G.—NORTH-WEST FRONTIER PROVINCE AND PUNJAB.

1. Preliminary.

P. Act 2, 1903, applies to whole of Punjab . . . . P.Act2,1903,s.1.
„ „ „ declared to be in force in N.-W. Fr. Province with modifications; repeal of Reg. 7, 1901, ss. 89 to 92 . . . . . Reg.5,1904,ss.2,3.
Definitions . . . . . P.Act.2,1903,s.3.

2. Management and Guardianship.

Financial Commissioner (Revenue Commissioner in the N.-W. Fr.) to be Court of Wards . . . . . P.Act2,1903,s.4(*1*), Reg.5,1904.s,2.
Assumption by Court of Wards of superintendence of person or property of landholders in cases of disqualification, etc. . P.Act2,1903,ss.5 to8, 10.
Inquiry before taking action under Act; reference to Civil Court. „ ss.11,12.
Assumption of superintendence to be notified and to extend to whole of the property of the ward „ ss.9,13.
„ „ not to be questioned in Court of law . . . . . „ s.10.
Disabilities of wards and of certain persons who have been wards . . . . . „ ss.15,16.
Powers of Court of Wards as to property under its superintendence . . . . . „ ss.8,17,22.
Deputy Commissioner to take possession and manage property . „ s.21.
Power of Court of Wards to employ establishment; expenses . „ s.23.
Power of Court of Wards to provide for superintendence and supervision of persons of wards . . . . . „ s.22(*1*).
Residence and education of ward . . . . . „ s. 24.
Allowance for support of ward and his family . . . . „ s. 25.
Claims against ward or his property:
notice calling for submission of . . . . . „ s.26.
particulars of, to be furnished by claimants; inadmissibility in evidence of documents not produced . . . . „ ss.26,27,30
effect of delay or failure in notifying claim; bar of claims not notified; exception of claims of Government . . . „ s.26(*3*),29.
admission or rejection of; saving of right of suit . . . „ ss.28,31(*1*),32.
stay of suits and proceedings in execution of decree against ward . . . . . „ s.31(*2*),(*3*).
orders not appealable; revision by Court of Wards . . „ s.33.
powers to be exercised by Deputy Commissioner or any person authorised . . . . . „ s.34.
Appointment, etc., of guardian; application of s. 17, Guardian and Wards Act, 1890; termination of appointment . . „ ss.35,36,41.
Duties of guardian . . . . . „ s.37.
Appointment, etc., of manager; termination of appointment . „ ss.38,41.
Powers and duties of manager . . . . . „ ss.39,40.
Deputy Commissioner when to act as guardian or manager . „ s.43.
Appointment, etc., of tutor for miner male ward . . . . „ s. 35(*3*).
Application of money received by manager . . . . „ s.40(*c*).
Power of Court of Wards to release person or property from superintendence and to appoint guardian when proprietor is still minor . „ ss.44,47,49.

COURT OF WARDS—*contd.*

F—UNITED PROVINCES—*contd.*

2. Management and Guardianship—*contd.*

Residence and education of ward U.P.Act3,1899,s.23

Powers of Court of Wards as to property under its superintendence . . . . . ,, ss.35,52.

Appointment, etc., of guardian; application of s. 17, Guardian and Wards Act, 1890; termination of appointment . . ,, ss.24,29.

Duties of guardian . . . . . ,, s.25.

Appointment, etc., of manager; termination of appointment . ,, ss.26,29.

Powers and duties of manager . . . . . ,, ss.27,28.

Collector when to act as guardian or manager . . . . . ,, s.32.

Application of money received by manager . . . . . ,, s.33.

Disabilities of wards . . . . . ,, s.34.

Arrears of rent due to ward recoverable as arrears of land-revenue; procedure; saving of defaulter's right to bring civil suit to contest liability . . . . . ,, ss.36to39.

Power of Court of Wards to employ establishment; expenses . ,, s.40.

Power of Court of Wards to release person or property from superintendence and to appoint guardian when proprietor is still minor . . ,, ss.41,43,45.

,, ,, ,, to retain superintendence notwithstanding death or cessation of disqualification of proprietor: certain disabilities of proprietor to continue . . . ,, s.42.

Release of person or property from superintendence to be notified ,, s.46.

Recovery of sums due to Court of Wards . . . . . ,, s.53.

Powers of Court of Wards when succession to ward's property is disputed . . . . . ,, s.44.

3. Miscellaneous.

Control of Local Government over Court of Wards . . ,, s.5.

Delegation of powers of Court of Wards . . . . . ,, s.7.

Decision by Local Government when Court's right of superintendence is disputed . . . . . ,, s.12.

Exercise of powers of Court of Wards through Commissioner or Collector . . . . . ,, s.7.

Distribution of business of Court of Wards . . . . . ,, s.6.

Guardians, managers, etc., deemed to be public servants; application of Act 12, 1850 . . . . . ,, ss.30,31.

Power of Court of Wards to state case for opinion of Civil Court for adjudication of civil dispute between two or more wards . ,, s.50.

Protection of estate under management by Court of Wards from sale or annulment of settlement for arrears of revenue . . U.P.Act3,1901,ss.153,160.

Bar to civil suit on certain matters . . . . . U.P.Act3,1899,ss.10,12,47.

Procedure in suit by or against ward . . . . . ,, ss.48,49,51.

Power of Court of Wards to enter into covenants, etc., on behalf of ward: effect of covenants: form of instruments . . ,, s.52.

Power of Court of Wards to make rules . . . . . ,, s.54.

Application on behalf of ward or disqualified proprietor for benefit of U. P. Act 1, 1903 . . . . . U.P.Act1,1903,s 6.

COURT OF WARDS—*contd.*

G.—NORTH-WEST FRONTIER PROVINCE AND PUNJAB—*contd.*

2. Management and Guardianship—*contd.*

Power of Court of Wards to retain superintendence notwithstanding death or cessation of disqualification of ward . . P.Act2,1903,ss.45,46.
Release of person or property from superintendence to be notified . . ,, s.50.
Recovery of sums due to Court of Wards . . . . . ,, s.51.
Powers of Court of Wards when succession to ward's property is disputed . . . . . ,, s.48.

3. Miscellaneous.

Control of Local Government over Court of Wards . . . P.Act2,1903,s.4(*4*).
Exercise of powers of Court of Wards through Commissioner, Deputy Commissioner, etc.; delegation of powers . . . ,, s.4(*2*),(*3*).
Protection of land under superintendence of Court of Wards from sale for arrears of revenue . . . . . ,, s.14.
Power of Court of Wards to enter into covenants, etc., on behalf of ward; effect of covenants; form of instruments . . ,, s.18.
Procedure in suit by or against ward . . . . . ,, ss.19,20.
Guardians and managers deemed to be public servants; application of Act 12, 1850 . . . . . ,, s.42.
Bar to civil suit on certain matters . . . . . ,, s.52.
Investigations before Deputy Commissioner under Ch. VI or Ch. VII deemed judicial proceedings . . . . . ,, s.52.
Power of Court of Wards to make rules . . . . . ,, s.54.

COURT-FEES ACT, 1870 (*See* COURT-FEES; PROCESS-FEES; SMALL CAUSE COURTS, A) . . . . . Act7,1870.
COURT-FEES ACT (1870) AMENDMENT ACT, 1870 . . Act20,1870.
COURT-FEES (AMENDMENT) ACT, 1899 . . . . Act11,1899.
1901 . . . . Act10,1901.
1905 . . . . Act6,1905.
1910 . . . . Act7,1910.

COURT-FEES. *See also* under CHIEF COURT OF THE PUNJAB; CIVIL COURTS; LANDLORD AND TENANT XI, A. 6.

1. Preliminary.

Act 7, 1870 extends to whole of British India . . . Act7,1870,s.1.
,, ,, declared in force in—
the Santhál Parganas . . . . . Reg.3,1872,3,Sch.
Upper Burma generally (except the Shan States) . . . . . Act13,1898,s.4,Sch.1.
British Baluchistan . . . . . Reg.1,1890,s.3.
the Sub-division of Angul . . . . Reg.1,1894,s.3.
Act 20, 1870 (amending Act 7, 1870), declared in force in—
the Santhál Parganas . . . . . Reg.3,1872,s.3,Sch.
Upper Burma generally (except the Shan States) . . . Act13,1898,s.4,Sch I.
Mad. Reg. 5, 1831, s. 7 (*2*), declared in force throughout the Presidency of Madras, except as regards the Scheduled Districts . . . . . Act15,1874,s.4.
Act 7, 1870, not to apply in certain cases in Santhál Parganas . Reg.3,1872,s.8.
"Chief Controlling Revenue-authority" defined . . . . Act7,1870,s.2.

COURT-FEES—*contd.*

2. Imposition of Fees.

In Presidency Small Cause Courts. *See* SMALL CAUSE COURTS, A, 3.

In High Courts . . . . . 24-5V.c.104,s.15. Act7,1870,s.3,Sch.I,No. 21,Sch.II,Nos.7,12,14, 20,21.

„ „ „ in cases coming before them in exercise of their extraordinary, appellate or revisional jurisdiction . . . . . Act7,1870,ss.4,6,Sch.I (am.Act7,1910), Sch. II.

In other courts and in public offices . . . . . Act7,1870,ss.4,6,Sch.I (am.Act7,1910), Sch. II.

Fees in suits instituted in Colonial Court of Admiralty at Aden, Rangoon or Karachi to be levied in accordance with Ch. III of Act 7, 1870; exception . . . . . Act16,1891,s.4.

Exemptions from fees:

General list of documents exempted from fees . . . Act7,1870,s.19.

Power of Governor General in Council to remit fees . . „ s.35.

Power to grant to exemption in Angul . . . . . Reg.1,1894,s.5S.

3. Collection of Fees.

Fees to be collected by impressed or adhesive stamps . . Act7,1870,ss.25,26.

Power of Local Government to make rules—

as to supply, number, renewal and keeping accounts of stamps . . . . . „ s.27.

as to sale of stamps . . . . . „ s.34.

Documents invalid unless properly stamped . . . . Power of Judge, etc., to direct stamping where unstamped document received in Court, etc., through mistake or inadvertence „ s.28.

Power of Court to allow deficiency in court-fees to be made up . Act5,1908,s.149.

Fresh stamp when not required on amended document . Act7,1870,s.29.

Documents not to be filed or acted upon until stamp cancelled . „ s.30.

In High Court or Presidency Small Cause Court; procedure in case of difference as to necessity or amount of fee . . . „ s.5.

In other Courts and in public offices:

Fee how to be computed in case of—

certain suits . . . . . „ s.7.

suits, applications and appeals under Agra Tenancy Act, 1901 . . . . . U.P.Act2,1901,s.170, Sch.4.

memorandum of appeal against order relating to compensation under Land Acquisition Act . . . . . Act7,1870,s.8.

Power to issue commission to ascertain net profits or market-value; procedure on report of Commissioner . . . „ ss.9,10.

Stay of execution of decree for mesne profits or account till full fee paid . . . . . „ s.11.

Decision of question as to valuation . . . . . „ s.12.

Fee in multifarious suit . . . . . „ s.17.

„ on written examination of complainant . . . . „ s.18.

Refund of fees in certain cases . . . . . „ ss.13to15.)Act18,1884,s.72.

Special provisions as to probates and letters of administration:

Notice of application for probate or letters of administration to be given to revenue-authorities; procedure thereon Act7,1870,s.19H.

COURT-FEES—*concld.*

3. Collection of Fees—*contd.*

Special provisions as to probates and letters of administration—*contd.*

Valuation to be filed and fee to be paid before order granting probate or letters of administration	Act7,1870,s.191.
Refund when too high a fee paid by executor or administrator	,, s.19A.
Refund where debts due from deceased person have been paid out of his estate	,, s.19B.
Relief in case of several grants	,, s.19C.
Probates and letters of administration valid as to trust-property, though such property is not covered by court-fee paid	,, ss.19D,19G.
Payment of additional fee, with penalty, by executor or administrator where too low a fee paid in the first instance; power to remit penalty; administrator to give security; recovery of penalties	,, ss.19E,19F, 19G,19J. Act6,1889,s.20.
Act 7, 1870, s. 6 or s. 28, not to apply to probate or letters of administration	Act7,1870,s.19K.

4. Miscellaneous.

Sections 4 and 6 of Act not to prevent filing or exhibition of unstamped document in Criminal Court when Judge considers such filing or exhibition necessary to prevent failure of justice	Act7,1870,s.33.
Act 7, 1870, Chaps. II and V (ss. 3 to 5, 25 to 30) not to apply to commission or fees of certain officers of High Court	,, s.36.
Repayment to complainant by accused, on conviction, of fees paid by former	,, s.31.
Recovery of fine from ministerial officer when prescribed stamp not used for document filed or copy given	Mad.Reg.5,1831,s.7(2).
Act 7, 1870, ss. 20, 21, 22 and 23, not to apply to areas in which Bur. Act 1, 1910, is in force	[1]Bur.Act1,1910,s.2.

Offences relating to stamps. *See* CRIMINAL LAW (IND.), 10.

Fees for processes. *See* PROCESS-FEES.

CREMATION. *See* DISPOSAL OF THE DEAD.

CRIME IN PLANTATIONS [*See* CRIMINAL LAW AND PROCEDURE (ENGLISH); VENUE]	11W.3,c.12.

CRIMINAL COURTS.

Constitution, powers and procedure of. *See* CRIMINAL PROCEDURE (IND).

CRIMINAL FORCE. *See* CRIMINAL LAW (IND.), 14 (*b*).

CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE. *See* CRIMINAL LAW (IND.), 22.

CRIMINAL JURISDICTION ACT, 1802.[2] [*See* CRIMINAL LAW (ENGLISH)]	42G.3,c.85.
CRIMINAL JUSTICE REGULATION (BRITISH BALUCHISTAN, 1896 (*See* CRIMINAL PROCEDURE)	Reg.3,1896.
,, ,, ,, (UPPER BURMA), 1892 (*See* CRIMINAL PROCEDURE)	Reg.5,1892.

[1] Bur. Act 1, 1910, will come into force when notified.
[2] This short title was given by 59 & 60 Vict., c. 14.

CRIMINAL LAW (INDIA) ACT, 1828.[1] [*See* CRIMINAL LAW AND PROCEDURE (ENGLISH); HIGH COURT] . . . . . 9G.4,c.74.

CRIMINAL LAW AND PROCEDURE (ENGLISH).

1698-9. 11 W. 3, c. 12 (Public Officer).
1770. 10 G. 3, c. 47, s. 4 (Trial in England).
1772-3. 13 G. 3, c. 63, ss. 39 to 43 (Trial in England).
1780-1. 21 G. 3, c. 70, ss. 4 to 7 (Trial in England).
1784. 24 G. 3, sess. 2, c. 25 (Special Commission).
1786. 26 G. 3, c. 57 (Special Commission, etc.).
1792-3. 33 G. 3, c. 52, ss. 45, 46, 140, 141 (Trial; arrest).
1796-7. 37 G. 3, c. 142, s. 14 (Trial in England).
1801-2. 42 G. 3, c. 85 (Public Officer).
1809. 49 G. 3, c. 126 (Sale of Office).
1812. 52 G. 3, c. 156 (Escape).
1828. 9 G. 4, c. 74, ss. 7 to 9, 25, 26, 56 (Trial).
1833. 3-4 W. 4, c. 85, s. 46 (European British subjects).
1849. 12-3 V. c. 96, s. 3 (Murder, etc.).
1860. 23-4 V. c. 88 (Admiralty Jurisdiction; Prosecution of Offences).
„ 23-4 V. c. 122 (Murder, etc.).
1874. 37-8 V. c. 27 (Admiralty Jurisdiction; Prosecution of Offences).
1876. 39-40 V. c. 46 (Slave Trade, etc.).
1878. 41-2 V. c. 73 (Territorial Waters).
1890. 53-4 V. c. 37, s. 5 (Foreign Jurisdiction).

Sale of offices.
Persons buying and selling offices . . . . . 49G.3,c.126.
Exemption in case of authorised army exchanges *See* ARMY, 2.
Persons opening or advertising houses, etc., for transacting business in relation to . . . . . 49G.3,c.126,ss.5,6.
Offences committed abroad in relation to, to be tried in Court of Queen's Bench . . . . . „ s.14.
Assisting escape of prisoners of war . . . . . 52G.3,c.156.
Trial of Governors of plantations, etc., in Court of Queen's Bench or by special commissioners . . . . . 11W.3,c.12.
Trial in Court of Queen's Bench of persons employed in public service abroad . . . . . 42G.3,c.85.
Trial as for offence in British Possession, on death there from injury inflicted at sea, etc. . . . . 12-3V.c.96,s.3.
Trial as for offence at sea, on death at sea, etc., from injury inflicted in British Possession . . . . . 12-3V.c.96,s.3.
Power of Legislature of British Possession to legislate for trial, etc., of murder, etc., therein, where person injured dies elsewhere . . . . . 23-4V c.122.
Power to try and punish murder or manslaughter, where offence not wholly committed and completed within jurisdiction; or any offence committed at sea . . . . . 9G.4,c.74,s.56. 23-4V.c.88. 37-8V.c.27.
Sentences to be passed by Indian Courts, at trials held by virtue of Act of Parliament for offence committed beyond jurisdiction or made punishable by Act of Parliament . . . . 37,38V.c.27,s.3.
Power to punish offences against laws relating to the slave trade committed out of jurisdiction . . . . . 39-40V.c.46.
Trial in Colonial Courts of offences committed elsewhere, under Foreign Jurisdiction Acts. *See* FOREIGN JURISDICTION.
Extension, by Order in Council, of 12-3 Vict. c. 96 and 23-4 Vict. c. 122 to any place to which Foreign Jurisdiction Act, 1890, applies . . . . . 53-4V.c.37,s.5,Sch.I.

[1] This short title was given by 59 & 60 Vict., c. 14.

CRIMINAL LAW AND PROCEDURE (ENGLISH)—*contd.*

Trial of offences committed within territorial waters of Her Majesty's dominions, though committed on or by means of foreign ship; saving as to trial of pirates; definition of territorial waters, etc.	41-2V.c.73.
Power to try British subjects in England for offences committed in India, and proceedings thereunder	10G.3,c.47,s.4. 13G.3,c.63,ss39to41. 21G.3.c.70,ss.4to7. 33G.3,c.52,ss.140,141. 37G.3,c.142,s.14.
Warrant of Lord Chancellor or Speaker for taking evidence in India on proceedings in Parliament touching offences	13G.3,c.63,ss.42,43.
Proceedings by special commission against British subjects holding certain offices and employments for extortion, etc.	24G.3,sess.2,c.25. 26G.3,c.57.
Power to High Court of Justice to try the information	26G.3,c.57,s.25.
Warrants for arrest of persons suspected of carrying on correspondence dangerous to safety of British Possessions	33,C.3,c.54,ss.45,46.
Accessories in felony	9G.4,c.74,ss.7to9.
Mode of prosecuting certain offences	33G.3,c.52,s.140.
Inferior Courts not to have power of sentencing European British subjects to death	3-4W.4,c.85,s.46.
Punishment of offences in Admiralty Courts	9G.4,c.74,s.25.
Interpretation of criminal statutes	„ s.26.

CRIMINAL LAW (INDIAN).

1817. Ben. Reg. 12, s. 30 (Falsification of Accounts).
1855. Act 24 (Penal Servitude).
1860. Act 45 (Penal Code).
1870. Act 27 (Amendment of Penal Code).
1872. Act 4, s. 39 (Laws, Punjab).
„ Reg. 3, s. 3 (Laws, Santhál Parganas).
„ Reg. 5, ss. 7, 11 (Sindh Frontier).
1874. Act 15, s. 3 (Laws Local Extent).
„ Reg. 9, s. 3 (Laws, Arakan Hill District).
1877. Reg. 3, s. 29 (Laws, Ajmere).
1882. Act 15, Ch. XII (Presidency Small Cause Courts).
1890. Act 9, s. 130 (Railways).
„ Reg. 1, s. 3 (Laws, British Baluchistan).
1894. Reg. 1, s. 3 (Laws, Angul).
1895. Reg. 1, s. 3 (Laws, Kachin Hills).
1896. Reg. 5, s. 3 (Laws, Chin Hills).
1897. Act 10, ss. 25, 26 (General Clauses).
1898. Act 4 (Amendment of Penal Code).
1898. Act 5, ss. 44, 45, Ch. IX, ss. 195 to 199, 345, 480 to 482, 521 (Criminal Procedure Code).
„ Act 6, s. 17 (Post Office).
1900. Reg. 1, s. 4 (Whipping, Chittagong Hill tracts).
1901. Reg. 3, ss. 6, 12 (Crimes, Frontier).
1902. Bom. Act 4, ss. 40 to 44 (Police, Bom. City).
1908. Act 14 (Criminal Law Amendment).
1909. Act 4 (Whipping).
1910. Act 9, s. 39 (Electricity; Theft).
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CRIMINAL LAW (INDIAN)—*contd.*

13. Offences relating to Religion.
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25. Special and Local.

1. Preliminary.

Indian Penal Code (Act 45, 1860) applies throughout British India (*see also below*, 24)	Act45,1860,s.1.
Extension of Code to extra-territorial offences	„ s.4.
Act 24, 1855 (Penal Servitude) declared in force throughout British India, except as regards the Scheduled Districts (*see also below*, 24)	Act15,1874,s.3.
Punishment to be inflicted under Indian Penal Code and not otherwise; saving of Acts of Parliament, Army Act and special and local laws	Act45,1860,ss.2,3,5.
Act 27, 1870 (amending Penal Code), not to affect special or local laws	Act27,1870,s.15.
General definitions	Act45,1860,ss.6to52.

2. Punishments.

Punishments to which offenders are liable (death, transportation, penal servitude, imprisonment, forfeiture, fine)	Act45,1860,s.53.
In what cases whipping may be inflicted—	
generally	Act4,1909,[1]ss.2to 5.
in frontier districts generally	„ s.6.
in Punjab or British Baluchistan frontier district	Reg.3,1901,ss.6,12(2).
in Kachin Hills	Reg.1,1895,s.3,Sch.
in Chin Hills	Reg.5,1896,s.3,Sch.
Commutation of sentences of death or transportation for life	Act45,1860,ss.54,55.
Europeans and Americans to be sentenced to penal servitude instead of transportation	Act24,1855,ss.1,2,15. Act45,1860,s.56.
Sentence when proof that convict is European or American	Act24,1855,ss.14,15.
Application of Act 24, 1855, where sentence of death commuted to penal servitude	„ s.4.
Transportation; provisions as to	Act45,1860,ss.57to59.
Imprisonment may be either rigorous or simple	„ ss.53,60.
Forfeiture of property; provisions as to sentence of	„ ss.61,62.
Fine not to be excessive	„ s.63.
„ imposable in Kachin Hill-tracts in lieu of or in addition to any other punishment	„ s.75A(ins.Reg.1, 1895,s.3,Sch.).
„ imprisonment for non-payment of	„ ss.64,65,66,67, 68,69.
„ „ „ „ in Kachin Hill-tracts	„ s.67(am.Reg.1, 1895,s.3,Sch.).
„ leviable within six years; death not to discharge property from liability	„ s.70.

[1] Act 6, 1864, is rep. by Act 4, 1909, except in Angul District, Chittagong Hill tracts, Kachin Hill tracts and Chin Hills; it has not been indexed.

CRIMINAL LAW (INDIAN)—*contd.*

2. Punishments—*contd.*

Limit of punishment of offence made up of several offences	Act45,1860,s.71.
Punishment of person guilty of one of several offences, the judgment stating that it is doubtful of which	,, s.72.
Solitary confinement	,, ss.73,74.
Act 45, 1860, ss. 63 to 70, applied to fines imposed under any Act, Regulation, rule or bye-law	Act10,1897,s.25.
Punishment when act is an offence under several enactments	,, s. 26.
Enhanced punishment for certain offences relating to coin, Government stamps or property, after previous conviction in British India or by certain courts outside British India	Act45,1860,s.75(sub. Act3,1910).

See also, as to particular punishments for various offences, the Acts relating to such offences.

3. General Exceptions.

No offence where act done—	
by person bound or justified by law	Act45,1860,ss.76,79.
by Judge acting judicially	,, s.77.
pursuant to judgment or order of Court	,, s.78.
by accident in doing lawful act	,, s.80.
without criminal intent, in order to prevent harm	,, s.81
by child	,, ss,82,83.
,, except where act endangers safety of persons travelling by railway	Act9,1890,s.130.
by lunatic	Act45,1860,s.84.
by intoxicated person ; exceptions	Act45,1860,ss.85,86.
by consent	,, ss.87to91,92, *expln.*
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under compulsion of threats ; exceptions	,, s.94.
causes but slight harm	,, s.95.
Communication made in good faith, when no offence	,, s.93.
Right of private defence	,, ss.96to106.
Ch. IV (ss. 76 to 106) applied to offences under sections added by Act 27, 1870	Act27,1870,s.13.

4. Offences against the State.

Waging war against the Queen ; conspiracy, collecting arms, etc., concealing design	Act45,1860,ss.121,121A, 122,123. Act27,1870,s.13.
Assaulting, etc., Governor General, Governor or Member of Council	Act45,1860,s.124.
Sedition	Act45,1860,s.124A. Act27,1870,s.13.
Waging war against, or committing depredation in territories of, Power at peace with Queen	Act45,1860,ss.125to127.
Circulating false report to induce offence against the State	,, s.505.
Public servant allowing prisoner of State or war to escape	,, ss.128,129.
Harbouring, etc., prisoner of State or war	,, s.130.
Obligation to give information of offences	Act5,1898,ss.44,45.
Authority for instituting prosecutions	Act45,1860,s.196.

CRIMINAL LAW (INDIAN)—*contd.*

5. Offences relating to the Army, Navy or Royal Indian Marine.

Abetting mutiny, or attempting to seduce from duty	Act45,1860,ss.131,132.
„ assault on officer	„ ss.133,134.
„ desertion, or harbouring deserter	„ ss.135to137.
„ act of insubordination	„ s.138.
Application of ss. 131 to 138 to Royal Indian Marine	„ s.138A.
Wearing garb or token used by soldier	„ s.140.
Persons subject to Articles of War not liable to punishment under ss. 131 to 138 or 140	„ s.139.
Circulating, making, etc., false report, statement, etc., to cause or which is likely to cause mutiny in Army or Navy or other public mischief	„ s.505.

See also INDIAN MILITARY AND NAVAL FORCES, I, III, 3.

6. Offences against the Public Tranquillity.

Unlawful assembly and rioting; promoting enmity between classes	Act45,1860,ss.141to158. Act4,1898,s.5.
Public meeting prohibited under Act 10, 1911 (Seditious Meetings Act), to be deemed an unlawful assembly	Act10,1911,s.6(2).
Dispersion of unlawful assemblies use of military force	Act5,1898,Ch.IX. Bom.Act 4,1902.ss.40-44.
Powers for prevention of rioting and disturbances of peace, etc.	Bom.Act4,1890,ss.42to 44,68. Bom.Act4,1902.ss.23to 27,127,128.
Power to award compensation to person injured by act of unlawful assembly. *See* CRIMINAL PROCEDURE (INDIAN), 6; DISTURBED DISTRICTS; POLICE, I.	
Obligation to give information of offences	Act5,1898,ss.44,45.
Affray	Act45,1860,ss.159,160.
Circulating false report to disturb public tranquillity	„ s.505.
Unlawful associations	Act14,1908,Pt.II.
Unlawfully holding public meeting or delivering speeches in public places in proclaimed area	Act10,1911,ss.6,7.

See also CRIMINAL PROCEDURE (INDIAN), 6; DISTURBED DISTRICTS; POLICE I.

7. Offences by or relating to Public Servants.

Public servant allowing prisoner of State or war to escape	Act45,1860,ss.128,129.
„ „ taking illegal gratification	„ ss.161,165.
„ „ abetting offence against s. 162 or s. 163	„ s.164.
„ „ disobeying law or framing incorrect document, with intent to cause injury	„ ss.166,167.
„ „ unlawfully engaging in trade or buying property	„ ss.168,169.
„ „ authority for instituting proceedings against	Act5,1898,s.197.
Taking gratification to influence public servant	Act45,1860,ss.162,163.
Personating public servant	„ ss.170,171.

See also below, 9

CRIMINAL LAW (INDIAN)—*contd.*

8. Contempts of lawful authority of Public Servants.

Absconding to avoid service of summons, etc.	Act45,1860,s.172.
Preventing service or publication of summons, notice, etc.	,, s.173.
Omission to attend in obedience to order of public servant	,, s.174.
,, to produce document	,, s.175.
,, to give notice or information	,, ss.176,177, *expln.*
Furnishing false information	,, s.177.
Refusing to make oath or affirmation	,, s.178.
,, to answer question	,, s.179.
,, to sign statement	,, s.180.
False statement on oath or affirmation	,, s.181.
Giving false information to cause injury	,, s.182.
Resistance to taking of property by lawful authority of public servant	,, s.183.
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Illegal purchase or bid for property	,, s.185.
Obstructing public servant in discharge of public functions	,, s.186.
Omission to assist public servant	,, s.187.
Disobedience to order duly promulgated by public servant	,, s.188.
Threat of injury to public servant	,, s.189.
,, ,, to induce person to refrain from applying for protection of public servant	,, s.190.
Authority for instituting prosecution under ss. 172 to 188 of Act 45, 1860	Act5,1898,s.195(*a*).
Procedure in case of offences under ss. 172 to 188 of Act 45, 1860	,, ss.476to487. Act15,1882,Ch.12.

9. False Evidence and Offences against Public Justice.

Giving or fabricating false evidence	Act45,1860,ss.191to195.
Using false evidence	,, s.196.
Issuing or using false certificate	,, ss.197,198.
Making or using false declaration	,, ss.199,200.
Withholding evidence, etc., to screen offender	,, ss.201,202,203, *expln.*
Giving false evidence as to offence	,, s.203.
Secretion or destruction of document	,, s.204.
False personation in suit or prosecution	,, s.205.
Fraudulently removing or concealing property	,, s.206.
,, claiming property	,, s.207.
,, suffering decree for sum not due	,, s.208.
,, making false claim in Court	,, s.209.
,, obtaining decree for sum not due	,, s.210.
False charge with intent to injure	,, s.211.
Harbouring offender	,, ss.130,212, 216,216A,216B.
Taking or offering gift, etc., to screen offender	,, ss.213,214.
Taking gift to help to recover stolen property	,, s.215.

CRIMINAL LAW (INDIAN)—*contd.*

9. False Evidence and Offences against Public Justice—*contd.*

Public servant disobeying law, or framing incorrect record, to save person from punishment or property from forfeiture . . . . . Act45,1860,ss.217,218.

„ „ corruptly making report, etc., in course of judicial proceeding . . . . . „ s.219.

„ „ or other person corruptly committing for trial or keeping person in confinement . . . „ s.220.

„ „ omitting to apprehend person or keep person in confinement, or suffering escape . . . „ ss.221,222,223,225A. Act27,1870,s.13.

„ „ insult or interruption to, in judicial proceeding . Act45,1860,s.228.

Resistance or obstruction to lawful apprehension . . . „ ss.224,225,225B. Act27,1870,s.13.

Unlawful return from transportation . . . . . Act45,1860,s.226.

Violation of condition of remission of punishment . . . . „ s.227.

Personation of juror or assessor . . . . . „ s.229.

Authority for instituting prosecutions under ss. 193 to 196, 199, 200, 205 to 211, 228 of Act 45, 1860 . . . . . Act5,1898,s.195(b).

Procedure in case of offences under Act 45, 1860—

ss. 193 to 196, 199, 200, 205 to 211, 228 . . . . „ ss.476to487. Act15,1882,Ch.12.

10. Offences relating to Coin or Government Stamps.

Coin :

Definition of "coin" and "Queen's coin" . . . . Act45,1860,s.230.

Counterfeiting . . . . . „ ss.231,232.

„ making, etc., instrument, etc., for . . . „ ss.233to235.

Abetting in British India the counterfeiting of coin elsewhere . „ s.236.

Counterfeit coin; import or export of . . . . . „ ss.237,238.

„ „ „ other dealings with . . . . . „ ss.239to243.

Mint: employé of mint causing coin to be of unlawful weight or composition . . . . . „ s.244.

„ unlawfully taking coining instrument from . . . „ s.245.

Fraudulently diminishing weight or altering composition of coin . . . . . „ ss.246,247.

Altering appearance of coin, etc. . . . . „ ss.248to254.

Government stamps :

Counterfeiting . . . . . „ s.255.

„ making, etc., instrument, etc., for . . . „ ss.256,257.

Dealings with . . . . . „ ss.258to260.

Offences in connection with stamps already used . . . „ ss.261to263.

Fictitious stamps . . . . . „ s.263A.

Meaning of "Government," as used in ss. 255 to 263A . .

Postage stamps to be deemed stamps issued by Government for the purpose of revenue . . . . . Act6,1898,s.17.

Enhanced punishment for certain offences after previous conviction . . . . . Act45,1860,s.75.

11. Offences relating to Weights and Measures.

Fraudulent use of false instrument for weighing . . . „ s.264.

„ „ „ weight or measure . . . . „ s.265.

Possessing, making, etc., false weight or measure . . . „ ss.266,267.

CRIMINAL LAW (INDIAN)—*contd.*

12. Offences affecting the Public Health, Safety, Convenience, Decency or Morals.

Definition of "public nuisance" . . . . . Act45,1860,s.268.
Spreading infection of disease dangerous to life . . . . „ ss.269,270.
Disobeying quarantine rule . . . . . „ s.271.
Adulteration of food, drink or drugs . . . . . „ ss.272to275.
„ „ „ „ destruction of article on conviction . . . . Act5,1898,s.521.
Sale of drug or medical preparation as different drug or preparation . . . . . Act45,1860,s.276.
Fouling water . . . . . „ s.277.
Making atmosphere noxious . . . . . „ s.278.
Rash driving, riding or navigation . . . . . „ ss.279,280.
Exhibiting false light, mark or buoy . . . . . „ s.281.
Conveying person in unsafe vessel . . . . . „ s.282.
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Negligent conduct with respect to—
poison, fire, combustibles, explosive, machinery or animal . Act45,1860,ss.284to287,289.
pulling down or repairing building . . . . . „ s.288.
Other public nuisances . . . . . „ s.290.
Continuance of nuisance after injunction to discontinue . . „ s.291.
Obscenity . . . . . „ ss.292,293,294.
destruction of obscene books, etc., on conviction . Act5,1898,s.521
Keeping lottery office . . . . . Act45,1860,s.294A. Act27,1870,s.13.
„ „ „ authority for instituting prosecution for . Act5,1898,s.196.

13. Offences relating to Religion.

Defiling place of worship, disturbing religious assembly, trespassing on burial place, etc. . . . . Act45,1860,ss.295to297.
Uttering words, etc., to wound religious feelings . . . „ s.298.
„ „ „ „ „ „ offence may be compounded Act5,1898,s.345.

14. Offences affecting the Human Body.

(*a*) Offences affecting Life.

Culpable homicide and murder; attempts . . . . Act45,1860,ss.299to304, 307,308.
„ „ „ „ duty to give information of offence . Act5,1898,ss.44,45.
Causing death by negligence . . . . . Act45,1860,s.304A. Act27,1870,s.13.
Suicide; abetment and attempt . . . . . Act45,1860,ss.305,306,309.
Being a thug . . . . . „ ss.310,311.
Causing miscarriage, etc. . . . . „ ss.312to316.
Exposure of child; concealment of birth . . . . . „ ss.317,318.
Rash act endangering human life . . . . . „ s.336.

(*b*) Other Offences.

Causing hurt . . . . . „ ss.319to335,337,338.
„ „ compounding for offence . . . . . Act5,1898,s.345.

CRIMINAL LAW (INDIAN)—*contd.*

14. Offences affecting the Human Body—*contd.*

(*b*) OTHER OFFENCES—*contd.*

Rash act endangering personal safety . . . . . Act45,1860,s.336.
Wrongful restraint and wrongful confinement . . . . . „ ss.339to348.
„ „ „ „ „ compounding for offence . . } Act5,1898,s.345.
Criminal force and assault . . . . . Act45,1860,ss.349to358.
„ „ „ compounding for offence . . . Act5,1898,s.345.
Kidnapping and abduction . . . . . Act45,1860,ss.359to369.
Slavery . . . . . „ ss.370,371.
Selling or buying minor for purposes of prostitution, etc. . . „ ss.372,373.
Unlawful compulsory labour . . . . . s.374.
„ „ „ compounding for offence . . Act5,1898,s.345.
Rape . . . . . Act45,1860,ss.375,376.
„ whipping . . . . . Act4,1909,s.4.
Unnatural offences . . . . . Act45,1860,s.377.
„ „ whipping . . . . . Act4,1909,s.4.

15. Offences against Property.

Theft . . . . . } Act45,1860,ss.378to382. Act9,1910,s.39.
„ obligation to give information of offence under s. 382, Act 45, 1860 . . . . . } Act5,1898,ss.44,45.
„ whipping . . . . . Act4,1909,s.3.
Extortion . . . . . Act45,1860,ss.383to389.
Robbery and dacoity . . . . . „ ss.390to402.
„ „ „ obligation to give information of offences . . Act5,1898,ss.44,45.
„ „ „ whipping . . . . . Act4,1909,s.4.
Criminal misappropriation of property . . . . . Act45,1860,ss.403,404.
„ breach of trust . . . . . „ ss.405to409.
Receiving, etc., stolen property . . . . . „ ss.410to414.
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Fraudulent deeds and dispositions of property . . . . . „ ss.421to424.
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„ with respect to documents . . . . . „ s.477.
„ obligation to give information of offence . . . Act5,1898,ss.44,45.
„ compounding for offence . . . . . Act45,1860,s.345.
Running vessel aground or ashore to commit theft, etc. . . „ s.439.
Criminal trespass . . . . . „ ss.441to460.
„ „ obligation to give information of offence . Act5,1898,ss.44,45.
Criminal trespass ; compounding for offence . . . . . Act5,1898,s.345.
Dishonestly breaking open receptacle containing property . . Act45,1860,ss.461,462.
Enhanced punishment for certain offences after previous conviction . . . . . } „ s.75.

16. Offences relating to Documents.

Forgery . . . . . Act45,1860,ss.463,465to469.
Definition of "making a false document" . . . . . „ s.464.

CRIMINAL LAW (INDIAN)—*contd.*

16. Offences relating to Documents—*contd.*

Using, or intending to use, as genuine, a forged document . . Act45,1860,ss.470,471,474.
Making, etc., counterfeit seal, mark, etc. . . . . „ ss.472,473,475,476.
Fraudulent cancellation, destruction, etc., of will, authority to adopt, or valuable security . . . . . „ s.477.
Authority for instituting prosecutions under ss. 463, 471, 475, 476, Act 45, 1860 . . . . . Act5,1898,s.195(*c*).
Procedure in case of offences under ss. 463, 471, 475, 476, Act 45, 1860 . . . . . Act5,1898,ss.476to479, 487.
Falsification of accounts, etc. . . . . Act45,1860,s.477A.
„ „ punishment of native agents of landholders for falsification, etc., of accounts (Ben.andE.B)Ben. Reg.12,1817,s.30.

17. Trade, Property and other Marks.

Definitions and punishments (*See* MERCHANDISE MARKS) . Act45,1860,ss.478to489.

18. Currency Notes and Bank Notes.

Counterfeiting currency or bank note . . . . . „ s.489A.
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19. Criminal Breach of Contracts of Service.

Breach of contract of service during journey . . . . . „ s.490.
„ „ to attend on or supply wants of helpless person „ s.491.
„ „ to serve at distant place to which servant is conveyed at master's expense . . . „ s.492.
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Compounding for offence . . . . . „ s.345.

20. Offences relating to Marriage.

Cohabitation caused by man deceitfully inducing belief of lawful marriage . . . . . Act45,1860,s.493.
Bigamy . . . . . „ ss 494,495.
Fraudulently going through marriage ceremony without lawful marriage . . . . . „ s.496.
Cognizance of offences under ss. 493 to 496 may be taken only on complaint of aggrieved party . . . . . Act,5,1898,s.198.
Adultery Act45,1860,s.497
„ in Sindh, Punjab and British Baluchistan frontier districts : married woman punishable . . . Reg.5,1872,s.7. Reg.3,1901,s.30.
Enticing, etc., married woman . . . . . Act45,1860,s.498.
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Compounding offence under s. 497 or s. 498 . . . . „ s.345.

CRIMINAL LAW (INDIAN)—*contd.*

21. Defamation.

Definition, exceptions and punishments . . . . . Act45,1860,ss.499to502.
Cognizance of offence may be taken only on complaint of aggrieved party . . . . . Act5,1898,s.198.
Compounding for offence . . . . . „ s.345.
Destruction of defamatory documents on conviction . . . „ s.521.

22. Criminal Intimidation, Insult and Annoyance.

Definitions and punishments . . . . . Act45,1860,ss.503to510.
Compounding for certain offences . . . . . Act5,1898,s.345.

23. Abetment and Attempts.

Definitions of "abetment" and "abettor" . . . . Act45,1860,ss.107,108,108A.
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24. Procedure.

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25. Special and Local.

Indian Penal Code (Act 45, 1860) declared in force in—
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the Chittagong Hill-tracts . . . . . Reg.1,1900,s.4.
the Arakan Hill District . . . . . Reg.9,1874,s.3.
Upper Burma generally (except the Shan States) . . Act13,1898,s.4,Sch.1.
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Kachin Hill-tracts, as regards hill-tribes (with modification) Reg.1,1895,s.3.
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the Santhál Parganas . . . . . Reg.3,1872,s.3,Sch.
the Arakan Hill District . . . . . Reg.9,1874,s.3.
Acts 8, 1882, and 10, 1886, ss. 21 to 24 (amending Penal Code), declared in force in—
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Act 4, 1898 (amending Penal Code), declared in force in—
the Santhál Parganas . . . . . Reg.3,1872,s.3,Sch.
Act 12,1899 (Currency Notes Forgery, amending Penal Code), declared in force in—
the Santhál Parganas . . . . . Reg.3,1872,s.3,Sch.
Act 24, 1855 (Penal Servitude), declared in force in—
whole of British India except the Scheduled Districts . . Act15,1874,s.3.
the Santhál Parganas . . . . . Reg.3,1872,s.3,Sch.

CRIMINAL LAW (INDIAN)—*contd.*

25. Special and Local—*contd.*

Act 24, 1855 (Penal Servitude), declared in force in—*contd.*
- Upper Burma generally (except the Shan States) . . Act13,1898,s.4,Sch.1.
- British Baluchistan . . . . . Reg.1,1890,s.3.

[1] Act 6, 1864 (Whipping), declared in force in—
- Angul and the Khondmals . . . . . Reg.1,1894,s.3.
- Kachin Hill-tracts, as regards hill-tribes (with a modification) . . . . . Reg.1,1895,s.3.
- certain tracts in the Chin Hills (with a modification) . . Reg.5,1896,s.3.
- the Chittagong Hill-tracts (with a modification) . . . Reg.1,1900,s.4.

Indian Penal Code applied to offences committed before 1st January, 1862, in—
- Punjab . . . . . Act4,1872,s.39.
- Ajmere . . . . . Reg.3,1877,s.29.

Indian Penal Code repealed in Sindh Frontier, so far as Reg. 5, 1872, is inconsistent with the Code . . . . . Reg.5,1872,s.11.

For local laws, see also ANGUL; BURMA (3); CHIN HILLS; DISTURBED DISTRICT; FRONTIER; GANJAM AND VIZAGAPATAM; KACHIN HILLS; SPITI.

For special laws, see COINAGE; EXCISE; FOREST, 7; MERCHANDISE MARKS; MURDEROUS OUTRAGES; PRECIOUS STONES; *and other heads.*

CRIMINAL LUNATICS ACT, 1884 (*See* LUNATIC) . . 47-8V.c.64.

CRIMINAL PROCEDURE (INDIAN).

1816. Mad. Reg. 11, s. 47 (Maintenance of the peace).
1817. Ben. Reg. 20, s. 30 (Prevention of offences).
1827. Bom. Reg. 12, s. 27 (*2*) (Prevention of offences).
„ Bom. Reg. 13, s. 34 (*3*) (Summons).
1856. Act 20, s. 52 (Prevention of offences).
1857. Act 21, ss. 1, 3 (Prevention of offences, Howrah).
1866. Ben. Act 2, ss. 16, 44 (Police, Calcutta Suburbs).
„ Ben. Act 4, ss. 32, 74, 75 (Police, Calcutta).
1867. Act 16 (Acting Judges).
„ Bom. Act 8, ss. 6, 8 (Prevention of offences).
1870. Ben. Act 6, s. 39 (Prevention of offences).
1872. Reg. 3, s. 3 (Laws, Santhál Parganas).
„ Reg. 5, s. 11 (Sindh Frontier).
1873. Act 16, s. 8 (Prevention of offences).
1874. Act 15, ss. 5, 6 (Laws Local Extent).
1876. Reg. 3, s. 13 (Andamans).
1877. Act 4, s. 57 (Fees for processes).
1877. Reg. 1, ss. 38, 39, 41 (Courts, Ajmere).
1883. Reg. 1, s. 18 (Prevention of offences).
1886. Mad. Act 1, s. 40 (Excise, Madras).
1887. Ben. Act 5, ss. 22, 30 (Prevention of offences).
„ Reg. 9, s. 5 (Frontiers, etc.).
„ Reg. 12, s. 9 (Precious Stones, Upper Burma).
1888. Mad. Act 3, ss. 25, 64 (Police, Madras City).
1890. Bom. Act 4, ss. 42 to 44, 46, 50, 54, 55, 68, 70, 71 (Breach of the peace).
„ Reg. 1, s. 3 (Laws, British Baluchistan).
1892. Reg. 3, s. 27 (Sindh Frontier).
„ Reg. 5 (Criminal Justice, Upper Burma).
1893. Reg. 5, s. 4 (Justice, Santhál Parganas).
1894. Reg. 1, s. 3 (Laws, Angul).
1895. Reg. 1, s. 3 (Laws, Kachin Hills).
1896. Reg. 5, s. 3 (Laws, Chin Hills).
„ Reg. 8, s. 3 (Criminal Justice, British Baluchistan).
1898. Act 5 (Criminal Procedure).

[1] Act 6, 1864, is repealed except in the Angul District, the Chittagong Hill-tracts, Kachin Hill-tracts, and the Chin Hills; it is not indexed.

CRIMINAL PROCEDURE (INDIAN)—*contd.*

1898. Act 6, s. 7 (Post Office).
„ Act 13, s. 4 (Laws, Burma).
1899. Act 2, s. 72 (Stamps).
„ Bur. Act 1, s. 17 (Gaming, Burma).
„ „ „ 4, ss. 30, 31A, 35, 36 (Police, Rangoon).
1900. Act 6, ss. 8, 13 (Courts, Lower Burma).
„ Reg. 1, s. 4 (Chittagong Hill-tracts).
1901. Reg. 1, s. 16 (Courts, Coorg).
„ Reg. 3 (Frontier Crimes).
„ Reg. 7, ss, 3, 6, 42 (Laws and Justice, N.-W. Fr.).
1902. Act 2, s. 44 (Cantonments, House-accommodation).
1902. Bom. Act 4, ss. 40 to 44, 57 to 110 (Police, Bombay City).
1903. Act 15, s. 23 (Extradition).
1904. Act 2, s. 3 (Courts, Central Provinces).
1907. Bur. Act 6, s. 7 (Village, Burma).
1908. Act 7, s. 9 (Newspapers).
„ Act 14, (Criminal Law Amendment).
1909. Act 3, ss. 45, 100, 104 (Insolvency, Presidency-towns).
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„ E. B. A. Act 1, s. 49 (Excise).
„ U. P. Act 4, s. 49 (Excise).
1911. Act 10, ss. 4, 6 (Prevention of Seditious Meetings).

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1. Preliminary.

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CRIMINAL PROCEDURE (INDIAN)—*contd.*

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4. Arrest, Escape and Retaking—*contd.*

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„ „ to whom to be directed . . . . „ ss.77to79.
„ „ execution of; arrested person how to be dealt with . . . . . „ ss.80to86.
Power to issue warrant in lieu of, or in addition to, summons . . . . . „ s.90,Sch.V. Form7.
Foregoing provisions applicable to all summonses and warrants of arrest issued under Act . . . . . „
Power of Court to substitute order or letter for summons in certain cases . . . . . Bom.Reg.13,1827,s.34(*3*).
Bom. Reg. 13, 1827, s. 34 (*3*), declared in force throughout the Bombay Presidency, except as regards the Scheduled Districts . . . . . Act15,1874,s.5.
Fees to be paid for summonses and warrants issued by Presidency Magistrate, except in certain cases. . . Act4,1877,s.57.
(2) Proclamation for person absconding . . . . . Act5,1898,s.87,Sch.V, Forms4,5.
(3) Attachment of property of persons absconding; restoration of property . . . . . „ ss.88,89.
(4) Bond for appearance: power to require, when offender is present in Court; arrest on breach of bond . . . „ ss.91,92.
Processes to compel production of documents and other moveable property:
Summons or order to produce . . . . . „ s.94.
Letters and telegrams in custody of postal or telegraph authorities how to be obtained . . . . . „ s.95.
Search-warrant . . . . . „ ss.96,97,98, 101to103,Sch.V, Forms8,9.
Search-warrant: disposal of things found in search beyond jurisdiction . . . . . „ s.99.

CRIMINAL PROCEDURE (INDIAN)—*contd.*

5. Processes—*contd.*

Search-warrant for discovery of person wrongfully confined	Act5,1898,ss.100to 103.
Power to impound document, etc., produced in Court	,, s.104
Power of Magistrate to direct search in his presence	,, s.105.
Application of provisions to processes of Insolvency Courts in Presidency-towns and Rangoon	Act3,1909,s.100.
,, ,, to search-warrants under Act 1, 1910	Act 1,1910,ss.7(2),12(2).
Summons, warrant and search-warrant in Bombay City	Bom.Act4,1902,ss.89to 105.

6. Prevention of Offences.

(*a*) Security for keeping the Peace and Security for Good Behaviour.

Security for keeping the peace on conviction :	
Power to order execution of bond	Act 5,1898,s.106,Sch.V, Form10.
Security for keeping the peace in other cases, and security for good behaviour : power to require ; procedure	,, ss.107to119. Sch.V,Forms11,12.
Application of ss. 110, *et seq.*, of Code to persons earning livelihood by carrying on game of *ti* in Burma	Bur.Act 1, 1899,s.17.
Proceedings in all cases subsequent to order to furnish security	Act5,1898,ss.120to126, Sch.V,Forms13to15.
Ch. VIII (ss. 106 to 126) of Code, modified—	
in North-West Frontier, Punjab and British Baluchistan Frontier Districts	Reg.3,1901,s.47[1].
on Sindh Frontier	Reg.3,1892,s.27.
Ss. 112 to 126 of Code applied to cases under s. 5 of Reg. 9, 1887 (Frontier Crossing and Disturbed Districts)	(Br.Bal.)Reg.9,1887,s.5.
Application of ss. 120 to 126, 514, 515 to security required from persons going armed, disguised, loitering, etc., in Rangoon town	Bur.Act4,1899,s.31A.

(*b*) Unlawful Assemblies.

Dispersion of	Act5,1898,ss.127to132. (Bo.City)Bom.Act4,1902, ss.40to43.
Public meeting prohibited under Act 10, 1911, deemed to be an unlawful assembly	Act10,1911,s.6(2).

See also Criminal Law (Indian), 6.

(*c*) Nuisances.

Powers and procedure for removal of public nuisances	Act5,1898,ss.133to143, Sch.V,Forms16to 20.
Power to issue temporary order absolute at once in urgent case of nuisance	,, s.144,Sch.V, Form21.

[1]Reg. 3, 1901, has been extended (with modification) to British Baluchistan by notification under Act 14, 1874.

CRIMINAL PROCEDURE (INDIAN)—*contd.*

6. Prevention of Offences—*contd.*

(*d*) DISPUTES AS TO IMMOVEABLE PROPERTY.

Dispute likely to cause breach of the peace—

concerning land, etc.: power to continue one party in possession or to attach property, pending decision of Civil Court . — Act5,1898,ss.145,146. Sch.V,Forms22,23.

concerning easements, etc.; power to permit or prohibit action pending decision of Civil Court . . . . . — ,, s.147,Sch.V, Form24.

local enquiry . . . . . — ,, ss.145,147,148.

costs of proceedings . . . . . — ,, s.148.

(*e*) PREVENTIVE ACTION OF THE POLICE.

Police to prevent cognizable offences and may make arrest . — ,, ss.149to151.

,, may interpose to prevent injury to public property . . — ,, s.152.

Police may inspect weights, measures and instruments for weighing, and seize false ones (*See also* WEIGHTS AND MEASURES) . — Act5,1898,s.153.

(*f*) MISCELLANEOUS.

Powers of District Magistrate for prevention of offences when security cannot be furnished . . . . . — Bom.Reg.12,1827,s.27(2).

Bom. Reg. 12, 1827, s. 27 (*2*), declared in force throughout the Bombay Presidency, except as regards the Scheduled Districts — Act15,1874,s.5,Sch.III.

Power of Magistrate to issue orders, etc., to prevent breach of the peace; enforcement of such orders; penalties . . . — Bom.Act4,1890,ss.42to44,50,54,68,71.

Power of Magistrate to disperse, etc., gangs; enforcement of orders; penalty . . . . . — ,, ss.46,50,55,70.

Magistrates charged with maintenance of the peace, and to apply for assistance of the military when necessary . . . — Mad. Reg.11,1816,s.47.

Mad. Reg. 11, 1816, s. 47, declared in force throughout the Presidency of Madras, except as regards the Scheduled Districts . — Act15,1874,s.4.

Penalty for being armed or disguised with intent to commit offence, or for loitering, etc.; arrest without warrant . . — (Bo.Town)Bom.Act4,1902,ss.36,112. (Br.Bal.,N-W.F.,Punj.)[1]Reg.3,1901,s.29,Reg.7,1901,s.3. (Cal.)Ben.Act4,1866,s.32 (rep.pt.Ben.Act3,1910,s.34). (Cal.Sub.)Ben.Act2,1866,s.16(rep.pt.Ben.Act3,1910,s.34). (Howrah)Act21,1857.ss.1,3, (M.City)Mad.Act3,1888,s.64. (Ran.)Bur.Act4,1899,ss.30,31A.

Power of Commissioner of Police to disperse, etc., gangs and direct removal of convicted beggars; enforcement of order; penalty — (Bo.City)Bom.Act4,1902.ss.27,127,128.

Duties and powers of local police as to prevention of offences:

Chaukidars . . . . . — Act20,1856,s.52. Ben.Act6,1870,s.39,Sch.B.

[1] Reg. 3, 1901, has been extended (with modification) to British Baluchistan by notification under Act 14, 1874.

CRIMINAL PROCEDURE (INDIAN)—*contd.*

6. Prevention of Offences—*contd.*

(*f*) MISCELLANEOUS—*contd.*

Duties and powers of local police as to prevention of offences—*contd.*

Village-police	Ben.Act5,1887,s.22,Sch. B.
Road patrols	„ s.30,Sch.B.
Village and road police	(Agra)Act16,1873,s.8.
Police daroghas	(Agra,Ben.,E.B.)Ben. Reg.20,1817,s.30(*1*),(*2*),(*5*).
Rural police	(As.)Reg.1,1883,s.18,Sch.
Police patels	Bom. Act8,1867,ss.6,8.
Ben. Reg. 20, 1817, ss. 20, 30 (*1*), (*2*), (*5*), declared in force throughout Bengal (except Sambalpur District) and Eastern Bengal, except as regards the Scheduled Districts	Act15,1874,s.6,Sch.4.

Prevention of offences in forests. *See* FOREST, 7.

See also CRIMINAL LAW (INDIAN), 6; POLICE.

7. Information to the Police, and Investigation thereon.

Information to be recorded, etc.	Act5,1898,ss.154,155.
Investigation by police into non-cognizable case to be held only on order of Magistrate; procedure	„ s.155.
„ „ „ into case of rape by husband not to be made by police-officer of rank lower than Inspector	„ s.561.
„ „ „ into cognizable case may be held without order of Magistrate; procedure	Act5,1898,ss.156to158.
Examination of witnesses, and record of statements and confessions by police	„ ss.160to164.
Search by police	„ ss.165,166.
Diary of proceedings in police investigation	„ s.172.
Speedy completion of police investigation; report to Magistrate	„ s.173.
Report of investigation by subordinate police-officer	„ s.168.
Release of accused when evidence deficient	„ s.169,Sch.V, Form25.
Accused when to be sent to Magistrate; bond of accused and witnesses for appearance before Magistrate	„ ss.167,170,Sch. V,Form26.
Complainants and witnesses not to be required to accompany police-officer to Court, nor to be subjected to unnecessary restraint; proviso for cases of recusancy	„ s.171.
Investigation by Magistrate into cognizable case	„ s.159.
Violent deaths; investigation and report by police	„ s.174.
„ „ examination of witnesses by police	„ s.175.
„ „ and death of person in custody of police: enquiry by Magistrate; his power to disinter corpse	„ s.176.
Investigation into excise offences	Ben.Act5,1909,ss.73to75. Mad.Act1,1886,s.40. U.P.Act4,1910,s. 49. E.B.andA.Act1, 1910,ss.42,43.
Information to police and investigation in Bombay City	Bom.Act4,1902,ss.57to76.

CRIMINAL PROCEDURE (INDIAN)—*contd.*

8. Proceedings in Prosecutions.

(1) JURISDICTION OF COURTS IN INQUIRIES AND TRIALS.

Place for inquiry or trial	Act5,1898,ss.177to185.
„ „ „ issue of summons or warrant for offence committed beyond local jurisdiction; procedure on arrest	„ ss.186,187.
„ „ „ of British subjects in British India for offences committed elsewhere	„ ss.188to190. Act6,1898,s.57. Act2,1899,s.72.
Place for trial of European British subject	Act5,1898,s.336.
When holding of trial, etc., in wrong place invalidates the proceedings	„ s.531.
Conditions requisite for initiation of proceedings:	
When cognizance of offence may be taken—	
by Magistrate	„ s.190.
by Judges of Court of Session	„ ss.191,193.
by High Court	„ s.194.
Transfer of cases by Magistrate	„ ss.191,192. Ben.Act5,1909,s.84.
Sanction or complaint of public servant, Court, Government, or party aggrieved, required before Court takes cognizance of certain offences	Act5,1898,ss.195to199.

(2) COMPLAINT TO MAGISTRATE.

Cognizance of rape by husband to be taken by Chief Presidency Magistrate or District Magistrate only	Act5,1898,s.561.
Examination of complainant	„ s.200.
Procedure where Magistrate not competent to take cognizance of case	„ s.201.
Postponement of issue of process	„ s.202.
When process to issue	„ s.204,Sch.II.
Power to dispense with personal attendance of accused	„ s.205.
Dismissal of complaint	„ s.203.

(3) INQUIRY INTO CASES TRIABLE BY COURT OF SESSION OR HIGH COURT.

Power to commit for trial	„ s.206.
Procedure in inquiries preparatory to commitment; taking evidence; charge; list of witnesses	Act5,1898,ss.207,208,210 to212.
Discharge of accused	„ s.209.
Order of commitment; commitment of person charged jointly with European British subject; quashing of order	„ ss. 213 to 215.
Securing attendance of witnesses and complainant before Court to which accused committed	„ ss.216,217,219.
Commitment to be notified, and charge, etc., forwarded	„ s.218,Sch.V, Form27.
Custody of accused pending trial	„ s.220,Sch.V, Form27.

See also below, 11 *(1)*, *(6)*.

CRIMINAL PROCEDURE (INDIAN)—*contd.*

8. Proceedings in Prosecutions—*contd.*

(4) The Charge.

Form, contents, etc., of charge . . . . . Act5,1898,ss.221to226. Sch.V,Form28.
Alteration of charge . . . . . „ ss.226to231.
Effect of material error in charge . . . . . „ s.232.
Joinder of charges . . . . . „ ss.233to239. Act3,1909,s.104 (*4*).
Withdrawal of remaining charges on conviction on one of several charges . . . . . Act5,1898,s.240.

(5) Trials by Magistrates.

Summons cases ; procedure in trial of . . . . . Act5,1898,ss 241to249. Sch.V,Form29.
Warrant cases ; „ „ . . . . . ss.251to259,Sch. V,Forms29,31.
Procedure for, to be followed in trial of offences under Act 3, 1909 Act3,1909,s.104.
Compensation for frivolous or vexatious accusations in summons and warrant cases . . . . . Act5, 1898,s.250.
Summary trials :
By what Magistrates or Benches of Magistrates . . . „ ss.260,261.
For what offences . . . . . „ ss.260,261.
Procedure . . . . . Act5, 1898,ss.262(*1*),263.
Limit to imprisonment . . . . . „ s.262(*2*).
Record and judgment . . . . . „ ss.263to265.
Employment of clerk by Bench . . . . . „ s.265.

(6) Trials before High Courts and Courts of Session.

Definition of "High Court" . . . . . Act5,1898,s.266.
Trials before High Court to be by jury (*see also below, 11 (6)*) . „ s.267.
„ „ Court of Session to be by jury or with assessors . „ ss 268,269.
„ „ „ „ „ to be conducted by Public Prosecutor . . . . . „ s.270.
High Court ; time and place for holding sittings . . . „ ss.334,335.
„ „ place of trial of European British subjects and persons charged jointly with them . . . „ s.336.
Commencement of trial . . . . . „ ss.271,272.
Same jury or assessors for several trials . . . . . „ s.272.
Entry on unsustainable charge before High Court . . . „ s.273.
Jury : number of jurors ; choosing of jurors ; special jury ; objections to jurors ; foreman ; swearing ; procedure when juror ceases to attend ; discharge on sickness of prisoner . . „ ss.274to276, 277to283.
Assessors : choosing of ; procedure when juror unable to attend . „ ss.284,285.
List of jurors for High Court and summoning jurors for that Court . . . . . „ ss.312to318.
List of jurors and assessors for Court of Session, and summoning jurors and assessors for that Court . . . . . „ ss.319to332. Sch.V,Forms 32,33.
Jury and assessors for trial of European British subjects, etc. *See below*, 11 (*1*).
Procedure for trial to close of cases for prosecution and defence . „ ss.286to296.

CRIMINAL PROCEDURE (INDIAN)—*contd.*

8. Proceedings in Prosecutions—*contd.*

(6) Trials before High Courts and Courts of Session—*contd.*

Power of Advocate General to stay prosecution in High Court	Act 5, 1898, s.333.
Power of Advocate General to exhibit informations to High Court	,, s.194(2).
Procedure on conclusion of trial—	
in case tried by jury	,, ss.297 to 307.
,, ,, with assessors	,, s.309.
Re-trial of accused after discharge of jury	,, s.308.
Procedure in case of previous conviction	,, ss.310, 311.

See also below, 11 (1), (6).

(7) Evidence.

Evidence ordinarily to be taken in presence of accused or his pleader	Act 5, 1898, s.353.
Record of evidence in High Courts; power of Court to make rules as to record of evidence	,, s.365.
In other Courts:	
Manner of recording evidence in different cases	,, ss.354 to 360, 362.
Record of remarks respecting demeanour of witness	,, s.363.
Examination of accused how to be recorded	,, s.364.
Interpretation of evidence to accused or his pleader	,, s.361.
Commissions for examination of witnesses	,, ss.503 to 508.
Deposition of medical witness	,, s.509.
Report of Chemical Examiner	,, s.510.
Previous conviction or acquittal how proved	,, s.511.
Record of evidence in absence of accused	,, s.512.
Courts and persons before whom affidavits may be sworn	,, s.539.
Power to summon material witness or examine person present	,, s.540.
,, of Presidency Magistrate to order prisoner in jail to be brought up for examination	,, s.542.
Interpreter bound to interpret truthfully	,, s.543.
Attendance and examination of witnesses in British India in certain criminal matters pending before certain foreign tribunals (*See* Evidence, II, 6.)	

(8) Judgment.

Judgment; mode of delivering	,, s.366.
,, language of	,, s.367.
,, contents of	,, ss.367, 368.
,, by Presidency Magistrate; contents of	,, s.370.
,, restrictions on alteration of	,, s.369.
Copy of judgment and of heads of charge when to be given to accused.	,, s.371.
Sessions Judge to inform person sentenced to death of period within which appeal should be preferred	
Translation of judgment	,, ss.371, 372.
Court of Session to send copy of its finding and sentence to District Magistrate	,, s.373.

CRIMINAL PROCEDURE (INDIAN)—*contd.*

8. Proceedings in Prosecutions—*concld.*

(*9*) MISCELLANEOUS PROVISIONS.

Tender of pardon to accomplice; no other influence to be used to induce disclosures	Act 5, 1898, ss. 337 to 339, 343.
Section 337 of Act amended in British Baluchistan, North-West Frontier and Punjab Frontier Districts	[1] Reg. 3, 1901, s. 7.
Right of accused to be defended	Act 5, 1898, s. 340.
Procedure where accused does not understand proceedings	,, s. 341.
Power to examine accused; no oath to be administered	,, s. 342.
,, to postpone or adjourn proceedings and remand accused to custody	,, s. 344.
Compounding offences	,, s. 345.
Procedure where Magistrate finds he cannot dispose of case or should commit accused to higher Court or cannot pass sentence sufficiently severe	,, ss. 346, 347, 349.
Commitment of person previously convicted of offence punishable under Chapter XII (Coin and Stamps) or Chapter XVII (Offences against Property) of Indian Penal Code	,, s. 348.
Conviction or commitment on evidence recorded partly by one Magistrate and partly by another	,, s. 350.
Detention of offenders attending Court	,, s. 351.
Courts to be open	,, s. 352.
Person once convicted or acquitted not to be tried for same offence	,, s. 403.

9. Sentences.

(*1*) POWERS OF COURTS.

Sentences which may be passed by Courts of various classes—	
generally	Act 5, 1898, ss. 31 to
on European British subjects	,, ss. 446, 449.
Power of Court as to sentence in case of certain first offenders	,, ss. 562 to 564.

(*2*) SUBMISSION FOR CONFIRMATION.

Court of Session's sentence of death; submission of, to High Court; powers and procedure of High Court	,, ss. 31, 374 to 379, Sch. V, Form 34.
Certain sentences passed by Assistant Sessions Judge or by specially empowered District Magistrate to be submitted to Sessions Judge for confirmation; powers and procedure of Sessions Judge	,, ss. 31, 34, 380.

(*3*) EXECUTION.

Execution of order passed by High Court on reference from Court of Session	,, s. 381, Sch. V, Forms 35, 36.
Postponement and commutation of capital sentence on pregnant woman	,, s. 382, Sch. V, Form 36.
Execution of sentence of transportation	,, ss. 381, 383.
,, ,, imprisonment	,, ss. 381, 383, 384.
Warrant	,, ss. 384, 385, 389, 400.

[1] Reg. 3, 1901, has been extended with modifications to British Baluchistan under Act 14, 1874.

CRIMINAL PROCEDURE (INDIAN)—*contd.*

9. Sentences—*contd.*

(*3*) EXECUTION—*contd.*

Warrant for levy of fine . . . . . Act5,1898,ss.386to389,Sch. V,Form37.

" " " provisions of Code, as to, applied to fines imposed under any Act, Regulation, rule or bye-law . Act10,1897,s.25.

Suspension of imprisonment for fine on execution of bond . Act5,1898,s.388.

Execution of sentence of whipping . . . . . " ss.390to395.

" " " on escaped convicts and on offenders already sentenced for another offence . . . . . " ss.396to398.

Confinement of youthful offenders in reformatories. (*See also* YOUTHFUL OFFENDER) . . . . . " s.399.

Return of warrant on execution of sentence . . . . . " s.400.

(*4*) SUSPENSIONS, REMISSIONS AND COMMUTATIONS.

Power of Government to suspend or remit sentences, and cancel suspension or remission; saving of right of Her Majesty to grant pardons, etc. . . . . Act5,1898,s.401.

Power of Court to suspend execution of sentence—

pending appeal . . . . . " s.426.

" report to High Court . . . . . " s.438.

Power of Government to commute sentences . . . . . " s.402.

" High Court to commute sentence of death passed on pregnant woman . . . . . " s.382,Sch. V,Form36.

10. Appeal, Reference and Revision.

Appeal: none, unless expressly provided by law . . . " s.404.

" " when accused convicted by Court of Session or Presidency Magistrate on plea of guilty; exception . " s.412.

" " in certain petty cases; exception . . . " ss.413to416.

" from order or sentence of Magistrate or Sessions Judge when and to whom to lie . . . . . " ss.405to411.

" by Government against acquittal; arrest of accused; abatement of appeal on death of accused . . . Act5,1898,ss.417,427,431.

" against order for payment of compensation for frivolous or vexatious accusation . . . . . " s.250(*3*).

" on what matters admissible . . . . . " ss.412,418.

" procedure for preferring . . . . . " ss.419,420.

" summary rejection of, or notice of hearing of . . ss.421,422.

" powers and procedure of Appellate Court . . . ss.423to429.

" finality of orders passed on; exceptions. . . . " s.430.

" abatement of, on death . . . . . " s.431.

Reference and revision:

Reference by Presidency Magistrate or Judge of High Court to High Court . . . . . " ss.432to434.

Power to call for records of inferior Courts . . . . " ss.435,441.

" order commitment . . . . . " s.436.

" " enquiry . . . . . " s.437.

" report to High Court . . . . . " s.438.

CRIMINAL PROCEDURE (INDIAN)—*contd.*

10. Appeal, Reference and Revision—*contd.*

Reference and revision—*contd.*

High Court's powers of revision	Act 5, 1898,	s.439.
Optional with Court to hear parties	„	s.440.
High Court's order to be certified to lower Court	„	s.442.

See also below, **11** (*3*), **12** (*2*).

11. Special Proceedings.

(*1*) Proceedings against European British Subjects, Europeans and Americans.

What Magistrates and Judges of Courts of Session may enquire into and try charges against European British subjects	„	ss.443 to 445.
Sentences which may be passed on European British subjects—		
by Provincial Magistrates	„	s.446.
by Courts of Session	„	s.449.
European British subject when to be committed to High Court and when to Court of Session	„	ss.447,448.
Transfer of case by Sessions Court to High Court	„	s.449(*2*).
Proportion of jurors or assessors to be Europeans or Americans in case of trial of—		
European British subject	„	s.450.
other European, or American	„	s.460.
Right of European British subject to claim jury before District Magistrate	„	s.451.
Summoning and empanelling of jurors	„	s.462.
Procedure where European British subject charged jointly with native	„	ss.336,461.
Procedure where other European, or American, charged jointly with native	„	s.461.
Procedure on claim to be dealt with as an European British subject; failure to plead status a waiver	„	ss.453,454.
Trial, etc., as European British subject, not invalid, if accused has not that status and does not object	„	s.455.
Right of European British subject unlawfully detained to apply for order to be brought before High Court	„	ss.456 to 458.
Enactments conferring jurisdiction on Magistrates or Courts of Session to be deemed to apply to European British subjects	„	s.459.
Proceedings to be conducted according to provisions of Code	„	s.463.

(*2*) Lunatics.

Postponement of trial when accused is lunatic; power to release him or confine him in asylum; resumption of inquiry or trial	„	ss.464 to 468, 473.
Procedure where accused is sane, but appears to have been insane when act for which he is charged was done	„	s.469.
Judgment of acquittal on ground of lunacy; accused when to be kept in custody	„	ss.470,471.
Visiting of lunatic in confinement	„	s.472.
Discharge of lunatic from custody; delivery to care of relative	„	ss.474,475.
Removal of lunatic from one place of confinement to another	„	ss.471(*3*), 474.
Power of Local Government to relieve Inspector-General of Prisons of his functions under ss. 472 to 474.	„	s.471(*4*).

CRIMINAL PROCEDURE (INDIAN)—*contd.*

11. Special Proceedings—*contd.*

(*3*) PROCEEDINGS IN CASE OF CERTAIN OFFENCES AFFECTING THE ADMINISTRATION OF JUSTICE.

Contempts, offences against public justice, and offences relating to documents given in evidence :

Procedure of Civil, Criminal and Revenue Courts in case of . Act 5, 1898, ss. 476 to 482, Sch. V, Form 38.

When Registrar or Sub-Registrar of Documents deemed a Civil Court under ss. 480, 482 . . . . . „ s. 483.

Certain Judges and Magistrates not to try offences committed before themselves . . . . . „ s. 487.

Discharge of offender on submission or apology . . . „ s. 484.

Imprisonment or committal of person refusing to answer or produce document in Criminal Court . . . . . „ s. 485, Sch. V, Form 39.

Appeal from conviction . . . . . „ s. 486.

(*4*) MAINTENANCE OF WIVES AND CHILDREN.

Power to make and enforce order for . . . . . „ ss. 488, 490, Sch. V, Forms 40, 41.

„ alter allowance . . . . . „ s. 489.

Liability under order not discharged by insolvency . . . Act 3, 1909, s. 45(*1*)(*d*).

(*5*) DIRECTIONS IN THE NATURE OF A HABEAS CORPUS.

See HABEAS CORPUS.

(*6*) PROCEEDINGS FOR THE SPEEDY TRIAL OF CERTAIN OFFENCES.

Offences triable under Part I, Act 14, 1908 . . . . . Act 14, 1908, s. 2, Sch.

Power to order trial under Part I of Act . . . . . „ s. 2.

Inquiry by Magistrate : discharge by Magistrate ; framing of charge and committal to High Court . . . . . „ ss. 3 to 7.

Charge, record, etc., to be forwarded to High Court . . . „ s. 8.

Examination of supplementary witnesses : list of witnesses for defence . . . . . „ ss. 9, 10.

Trial before High Court to be before special bench and without a jury ; decision to be in accordance with opinion of majority . „ s. 11.

Procedure : application of Act 5, 1898 . . . . . „ s. 14.

Special rules of evidence . . . . . „ s. 13.

Bail when not allowed . . . . . „ s. 12.

12. Supplementary Provisions.

(*1*) PUBLIC PROSECUTOR.

Power to appoint . . . . . Act 5, 1898, s. 492.

Trials before Court of Session to be conducted by . . . „ s. 270.

Right of, to plead ; pleaders privately instructed to be under his direction . . . . . „ s. 493.

Effect of withdrawal of, from prosecution . . . . . „ s. 494.

Power of Magistrate to permit other person to conduct prosecution . . . . . „ s. 495.

Right of Advocate General, Standing Counsel, Government Solicitor, Public Prosecutor, etc., to conduct prosecution without Magistrate's permission . . . . . „ s. 495.

CRIMINAL PROCEDURE (INDIAN)—*contd.*

12. Supplementary Provisions—*contd.*

(2) BAILS AND BONDS.

Bail when to be taken		Act 5,188, ss. 496,497, 500,Sch.V,Form 42.
,, amount of, not to be excessive	,,	s.498.
,, power of High Court or Court of Session to direct admission to bail or reduction of bail	,,	s.498.
,, bond of accused and sureties ; discharge from custody	,,	ss.499,500,Sch. V,Forms42,43.
,, power to increase amount	,,	s.501.
,, discharge of sureties	,,	s.502.
Power to accept deposit instead of recognizance	,,	s.513.
Procedure on forfeiture of bond	,,	s.514,Sch.V, Forms44to53.
Section 514 of Code applied to cases under s. 5 of Reg. 9, 1887 (Frontier Crossing and Disturbed Districts)		Reg.9,1887,s.5.
Appeal from, and revision of, orders under s. 514		Act5,1898,s.515.
Power of High Court or Court of Session to direct levy of amount due on bond to appear before it	,,	s.516.
Bail in Bombay City		Bom.Act4,1902,ss.106to 110.

(3) DISPOSAL OF PROPERTY.

Power to make order for disposal of property the subject of an offence		Act5,1898,ss.517,518.
Payment to innocent purchaser of money found on accused	,,	s.519.
Stay and revision of order under ss. 517 to 519	,,	s.520.
Destruction of libellous and other matter	,,	s.521.
Power to restore possession of immoveable property	,,	s.522.
Restoration of seized or stolen property to owner; sale, when owner unknown	,,	ss.523to525.

(4) TRANSFER OF CASES.

Power of High Court to transfer case, or itself try it; postponement of trial by inferior Court to admit of application for transfer being made	,,	s.526.
,, Governor General in Council to transfer cases	,,	s.527.
,, Chief Presidency Magistrate, District or Sub-Divisional Magistrate to withdraw or refer cases	,,	s.528.
,, certain Magistrates to transfer cases	,,	ss.192,407 451(9),476.
Sessions Judge when to transfer case against European British subject to High Court	,,	s. 449(2).

(5) IRREGULAR PROCEEDINGS.

Irregularities which do not invalidate proceedings	,,	s.529.
,, which vitiate proceedings	,,	s.530.
When holding of trial, etc., in wrong place invalidates the proceedings	,,	s.531.
Validation of irregular commitments	,,	s.532.

CRIMINAL PROCEDURE (INDIAN, —*contd.*

12. Supplementary Provision—*contd.*

(5) Irregular Proceedings—*contd.*

Statements and confessions of accused persons; irregularity in record of, under s. 164 or s. 364	Act 5, 1898,	s. 533.
Omission to ask whether accused is an European British subject	,,	s. 534.
,, to prepare charge	,,	s. 535.
Trial by jury of offence triable by assessors, and *vice versâ*	,,	s. 536.
Finding, sentence or order when reversible by reason of error or omission in charge or other proceedings	,,	s. 537.
Distress not illegal nor distrainer a trespasser for defect or want of form in proceedings	,,	s. 538.

(6) Miscellaneous.

Power to appoint place of imprisonment or custody	,,	s. 541(*1*).
Removal from civil to criminal jail, and return to civil jail	,,	s. 541(*2*),(*3*).
Payment of expenses of complainants and witnesses	,,	s. 544.
Compensation to persons groundlessly given in charge in Presidency-town	,,	s. 553.
,, for frivolous or vexatious accusation; appeal from order	,,	s. 250.
Payment of expenses or compensation out of fine	,,	ss. 545, 546.
	(U.B.) Reg. 12, 1887,	s. 9(*5*).
Moneys ordered under Act to be paid recoverable as fines	Act 5, 1898,	ss. 547, 553, 250.
Copies of proceedings to be furnished on application	,,	s. 548.
Delivery to military authorities of persons liable to be tried by court-martial	,,	s. 549.
Powers of police to seize property suspected to be stolen	,,	ss. 550, 551.
Power to compel restoration of abducted female	,,	s. 552.
Power of Chartered High Courts to make rules as to subordinate Courts	,,	s. 554.
Power of other High Courts to make rules		
Forms	,,	s. 555, Sch. V.
Restriction on trial by Judge or Magistrate of case in which he is personally interested	,,	s. 556; Act 2, 1902, s. 44.
Practising pleader, etc., not to sit as Magistrate in certain Courts	,,	s. 557.
Power to decide language of Courts	,,	s. 558.
Powers of Government exerciseable from time to time	,,	s. 559.
Officers concerned in sales not to purchase or bid for property	,,	s. 560.
Provisions as to first offenders	,,	ss. 562 to 564.
Power of certain Courts to make order for the notifying of his address by convicted offender	,,	s. 565.

13. Special and Local.

Act 5, 1898 (the Code of Criminal Procedure, 1898), declared in force—

in Upper Burma, except the Shan States (with modifications)	Act 13, 1898, s. 4, Sch. I.	Reg. 5, 1892.
in the Santhál Parganas (with modifications)	Reg. 3, 1872, s. 3, Sch.	Reg. 5, 1893, s. 4.

CRIMINAL PROCEDURE (INDIAN)—*contd.*

13. Special and Local—*contd.*

Regulation 5, 1892 (Criminal Justice, Upper Burma), declared (except ss. 1, 2, 6, 7, 9, 10, 16 and 17 of the schedule) to be in force in—

Kachin Hill-tracts, as regards hill-tribes . . . Reg.1,1895,s.3.

certain tracts in the Chin Hills . . . . . Reg.5,1896,s.3.

Regulation 5, 1895 (Criminal Justice, Upper Burma), declared in force in certain tracts in the Chin Hills . . . . „ s.3.

Act 5, 1898, repealed in Sindh Frontier, so far as Regulation 5, 1872, is inconsistent with the Act. . . . Reg.5,1872,s.11(saved, Act5,1898,s.3).

modified generally in—

Andamans . . . . . Reg.3,1876,s.13.

North-West Frontier, Punjab and British Baluchistan frontier districts . . . . . [1] Reg.3,1901.

Ajmere:

Chief Commissioner to discharge functions of High Court, except in proceedings against European British subjects . Reg.1,1877,s.38.

Power to appoint one Magistrate for several districts . . „ s.39.

Power of Commissioner to transfer criminal cases or appeals „ s.41.

Bombay City:

Special provisions as to information to and investigation by police; arrest, summons, warrant, search-warrant, bail . Bom.Act4,1902,ss.57to 110.

British Baluchistan:

Modifications of the Code . . . . . [2]Reg.8,1896, s. 3.

Central Provinces:

Court of Judicial Commissioner to be highest Court of Criminal Appeal and revision, except in proceedings against European British subjects . . . . . Act2,1904,s.3(sub.Act 11,1910,s.2).

Lower Burma:

Chief Court to be highest Court of Criminal Appeal or Revision Act6,1900,s.8.

Certain Magistrates to commit to Chief Court . . „ s.13.

Appeals from certain Magistrates to lie to Chief Court . . Act6,1900,s.13(*2*).

Upper Burma:

Chief Court of Lower Burma to be "High Court" in reference to proceedings against European British subjects and persons jointly charged with them . . . . . Act6,1900,s.8(*1*)(*a*).

Judicial Commissioner to be "High Court" in other cases . Act13,1898,s.4,Sch.1. Reg.5,1892,s.2(*1*), Sch.

Modifications of Act 5, 1898, in . . . . . Act13,1898,s.4,Sch.1. Reg.5,1892.

„ not to affect the Code in its application to European British subjects . . . . . Reg.5,1892,Sch.cl.XVII.

Coorg:

Judicial Commissioner to have powers of High Court, except in proceedings against European British subjects . . Reg.1,1901,s.16.

North-Western Frontier Province:

Judicial Commissioner to be highest Court of Criminal Appeal or Revision except in proceedings against European British subjects, etc. . . . . Reg.7,1901,s.12.

[1] Reg. 3, 1901, has been extended with modifications to British Baluchistan by notification under Act 14, 1874.
[2] *See* Notification, Gazette of India, Part II, p. 721.

CRIMINAL PROCEDURE (INDIAN)—*contd.*

13. Special and Local—*contd.*

North-West Frontier Province—*contd.*

References to High Court or Chief Court of the Punjab in enactments in force is to be construed to refer to Judicial Commissioner except in proceedings against European British subjects or . . . . . Reg.7,1901,s.6(*1*)(c).

For local laws see also ADEN, 2; AJMERE, 3; ANGUL, 4; BURMA, (3); CHIEF COURT, LOWER BURMA; CHIEF COURT, PUNJAB; CHIN HILLS, 3, 4; CHITTAGONG HILL TRACTS; CHOTA NAGPUR; DISTURBED DISTRICT; EASTERN DVÁRS; FRONTIER; GANJAM AND VIZAGAPATAM; KACHIN HILLS; NORTH-WEST FRONTIER PROVINCE, 4; OUDH, 3; PUNJAB, 4; SANTHAL PARGANAS; SCHEDULED DISTRICTS; SINDH; SPITI; UPPER TANAWAL.

For special laws, see EXCISE; FISHERY; FOREST, 7; INDIAN, MILITARY AND NAVAL FORCES, III, 3; MURDEROUS OUTRAGES (2); POLICE, III, B; PRECIOUS STONES; ROYAL INDIAN MARINE, 3; *and other heads.*

CRIMINAL TRESPASS. *See* CRIMINAL LAW (INDIAN), 15.

CRIMINAL TRIBES.

1. Preliminary.

Act 3, 1911, extends to whole of British India . . . . Act3,1911,s.1.

Action in Sindh validated . . . . . Bom.Act1,1909.

Definition of "criminal tribe" "tribe," "gang" and "class" Act3,1911,s.2.

2. Criminal Tribes.

Power of Local Government to declare tribe, gang or class to be a criminal tribe . . . . . „ s.3.

Courts not to question such declaration . . . . . „ s.28.

Registration of members of . . . . . „ ss.4to10.

Power to restrict movements of or settle criminal tribe to or in place prescribed; Courts not to question certain notifications under ss. 12, 13 . . . . . „ ss.11to 15,28.

Settlements; power to place tribe in . . . . . „ s.16.

Industrial, agricultural or reformatory schools for children; establishment of, and placing of children in . . . . „ s.17.

Power to discharge or remove person from settlement or school . „ s.18.

Power to direct use of any settlement or school in British India. „ s.19.

Power of Local Government to make rules for working of Act . „ ss.20,21.

Penalties . . . . . „ s.22.

Enhanced punishment for certain offences by members of tribe after previous conviction . . . . . „ s.23,Sch.

Punishment of registered members of tribe found under suspicious circumstances . . . . . „ s.24.

Arrest and removal of registered persons found beyond prescribed limits of residence . . . . . „ s.25.

Duty of village-headmen, village-watchmen, and owners and occupiers of land and their agents to make reports of certain matters, under penalty . . . . . „ ss.26,27.